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Supreme Court, U.S.
FILED

No. _____

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In The

Supreme Court of the United States

October Term, 1998

CLEO JONES, *et al.*,
&
FRANCIS PATRICK NORWOOD, *et al.*,
&
JAY OTIS McKELLIPS, *et al.*,
&
JERRY PAUL TERRY, *et al.*,

Petitioners,

vs.

GEORGIA PACIFIC CORPORATION, *et al.*,

Respondents.

[Four Cases]

On Petition For Writ Of Certiorari Or, In The Alternative, Writ Of Mandamus And/Or Prohibition To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI, OR, IN THE ALTERNATIVE FOR WRIT OF MANDAMUS AND/OR PROHIBITION, and APPENDIX VOLUME II, PAGES H-1 TO I-61

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APPENDIX H

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CLEO JONES, Individually and as Personal Representative of the Heirs and Estate of ISAIAH JONES, JR., Deceased, ET AL.,	§	
Plaintiffs,	§	CIVIL ACTION
VS.	§	FILE NO. 98-CV-745
GEORGIA PACIFIC CORPORATION (successor to BESTWALL GYPSUM COMPANY), ET AL.;	§	
Defendants.	§	

MOTION FOR RECONSIDERATION OF ORDER DENYING REMAND, OR, IN THE ALTERNATIVE, FOR CERTIFICATION. UNDER 28 U.S.C. § 1292(B)

COME NOW all plaintiffs in the above-styled and numbered case, and respectfully move the Court to reconsider its order denying remand entered April 27, 1998. In the alternative, plaintiffs respectfully urge the Court to certify its order denying remand for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

Because a suggestion that these cases should be transferred to the Eastern District of Pennsylvania is pending before the Judicial Panel on Multidistrict Litigation, and because tramsfer [sic] would be improper if this

Court does not have removal jurisdiction over the case, plaintiffs request expedited consideration of this motion.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CLEO JONES, Individually and as Personal Representative of the Heirs and Estate of ISAIAH JONES, JR., Deceased, ET AL.,	§	
	§	CIVIL ACTION
Plaintiffs,	§	FILE NO.
VS.	§	98-CV-745
GEORGIA PACIFIC CORPORATION (successor to BESTWALL GYPSUM COMPANY), ET AL.;	§	
Defendants.	§	

MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION OF ORDER DENYING REMAND, OR, IN THE ALTERNATIVE, FOR CERTIFICATION UNDER 28 U.S.C. § 1292(B)

On March 9, 1998, Defendant General Motors Corporation ("GMC") removed this action to this Court on the basis of diversity of citizenship, despite the presence of Georgia-Pacific Corporation as a local defendant, on the theory that plaintiffs' answers to interrogatories established that plaintiffs had fraudulently joined Georgia-Pacific and that the case was therefore properly removable under 28 U.S.C. § 1441. Plaintiffs filed an emergency motion for remand, pointing out that their interrogatory answers, although arguably uninformative, did not establish that plaintiffs had "no possibility" of recovering from Georgia-Pacific Corporation under their product liability

or civil conspiracy theories. On April 27, 1998, the Court overruled plaintiffs' motion for remand based on its observation that "the plaintiffs have come forward with no specific factual allegations against Georgia-Pacific whatsoever," Order at 6, and on its determination that "conspiracy itself is not a tort under Georgia law." Id. at 7.

The Court should rescind its order, and should remand these cases to Georgia state court immediately, for three reasons.

First – although the law regarding removal and "fraudulent joinder" does not require them to do so – plaintiffs have attached to this motion the precise factual basis for their indisputably actionable allegations that they were injured by exposure to Georgia-Pacific asbestos-containing products. This documentation establishes beyond question that the allegations of each plaintiff's exposure to Georgia-Pacific products were not only not "fraudulent," but were viable at the time that they were made.

Second, should the Court choose not to consider the evidence submitted with this motion, the Court should reconsider its denial of remand because the Court did not apply the correct burden of proof in accepting GMC's claim of fraudulent joinder. The law in the Eleventh Circuit, and nationwide, places the burden on *defendants* to establish fraudulent joinder, not on the plaintiffs to defend the viability of their suit against the local defendant. Neither the nonspecific nature of the complaint itself, nor plaintiffs' method of responding to premature

discovery, is conceivably enough to support the conclusion that the joinder of Georgia-Pacific is not only unlikely to yield a productive result but is "fraudulent." The very purpose of setting the burden of proof for establishing fraudulent joinder so high is to protect the district courts from having to scrutinize, at the initial stages of the litigation, the legal and factual viability of the plaintiffs' claims. The evidence attached to this motion, if if [sic] not considered for its substance, demonstrates the type of record that the courts, including this Court, will be required to review in detail on a case-by-case basis to evaluate the threshold question of federal jurisdiction in asbestos cases of this type unless the heavy burden for establishing fraudulent joinder is properly applied.

Third, the Court impermissibly gave short shrift to plaintiffs' allegations of civil conspiracy against Georgia-Pacific. The theory has been viable against other asbestos defendants in other jurisdictions, and GMC made no effort to show that the law of civil conspiracy in Georgia (or in Alabama whose law arguably governs these actions) is any different that it is in the jurisdictions in which similar claims based on the theory have been successful. More important, the Court's order seems to assume that in order to prevail on a civil conspiracy claim under Georgia law, the plaintiff must allege and prove some act on the part of Georgia-Pacific that directly injured the plaintiff. Order at 7. That is *not* the law of civil conspiracy; indeed, if that were the law, there would be no need for the theory at all. Instead, in order to prevail on a conspiracy claim, the plaintiff need only prove that the defendant engaged in the conspiracy, and that an

overt act by one of the co-conspirators in furtherance of the conspiracy injured the plaintiffs. Plaintiffs clearly made the necessary allegations in their complaints, and these allegations should defeat any contention that Georgia-Pacific has been fraudulently joined.

Finally, in the event that the Court declines to reconsider its order denying remand, plaintiffs ask the Court to certify the order for permissive interlocutory appeal under 28 U.S.C. § 1292(b).

I. THE EVIDENCE ATTACHED TO THIS MOTION SHOWS THAT THE COURT ERRED IN CONCLUDING THAT PLAINTIFFS "FRAUDULENTLY JOINED" GEORGIA-PACIFIC.

As shown below, plaintiffs continue to maintain that GMC did not bear their heavy burden of demonstrating that plaintiffs fraudulently joined Georgia-Pacific in this litigation. Plaintiffs' product liability allegations, while nonspecific, did not itself indicate that the claim against Georgia-Pacific lacked factual or legal merit, and plaintiffs' answers to interrogatories did not establish or suggest that plaintiffs would be unable, following an adequate time for discovery, to prove that they were exposed to and injured by defective Georgia-Pacific products. The Court should have granted plaintiffs' emergency motion to remand on the record before it.

Nevertheless, plaintiffs attach documentation of each plaintiff's exposure to Georgia-Pacific products – in the form of either a complete work history sworn to by the individual plaintiff, or an attorney's affidavit indicating with specificity the evidence of Georgia-Pacific exposure

that plaintiffs' counsel expects to develop – to this memorandum, along with a chart summarizing the evidence of Georgia-Pacific exposure for each plaintiff. The information attached to this motion for reconsideration confirms that the product liability claims asserted against Georgia-Pacific in the original complaint were not fraudulent or factually baseless. Plaintiffs reiterate that they should not be required to come forward with such information to defeat GMC's allegation that plaintiff fraudulently joined Georgia-Pacific in this litigation, but produce it to demonstrate that their product liability claims against Georgia-Pacific are clearly viable. The information attached to this memorandum absolutely precludes a finding that there is "no possibility" that plaintiffs can recover on their product liability theories against Georgia-Pacific. The Court should therefore reconsider and reverse its finding that plaintiffs fraudulently joined Georgia-Pacific, and should remand these cases to the circuit court of Fulton County, Georgia for disposition on the merits.

II. THE COURT ERRED IN SHIFTING THE BURDEN TO PLAINTIFFS TO ESTABLISH THAT GEORGIA-PACIFIC WAS NOT FRAUDULENTLY JOINED IN THESE CASES.

Plaintiffs also urge the Court to reconsider its conclusion that remand should be denied because plaintiffs "presented no facts whatsoever to show that they have a cause of action against Georgia-Pacific." Order at 7. In the Eleventh Circuit, as in every other circuit, the burden is not on plaintiffs to present facts showing that they have a cause of action, but on *defendants* to show by "clear and

convincing evidence" that plaintiffs *do not* have a cause of action. *El Chico Restaurants, Inc. v. Aetna Casualty and Surety Co.*, 980 F. Supp. 1474, 1478 (S.D. Ga. 1997). The Eleventh Circuit has made clear that the focus is on the plaintiffs' complaint, not on the plaintiffs' ability to prove the allegations in the complaint: "If there is even a possibility that a state court would find *that the complaint states a cause of action* against any one of the resident defendants, the federal court must find that joinder was proper and remand the case to state court." *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (emphasis added), *quoting Coker v. Amoco Oil Co.*, 709 F.2d 1433, 1440-41 (11th Cir. 1983). Only after defendants make an initial showing that plaintiffs cannot prevail – such as showing that plaintiffs' complaint does not allege a viable cause of action[1] or presenting facts affirmatively showing that plaintiffs' allegations *could not be true*,[2] – do plaintiffs need to respond with an evidentiary showing supporting their claims.

---

[1] *See, e.g., Cabalceta v. Standard Fruit Co.*, 883 F.2d 1553, 1561-62 (11th Cir. 1989) (affirming finding that defendant had been fraudulently joined under Florida law, because Florida did not recognize alter ego theory alleged by plaintiffs; reversing, however, because district court did not consider whether Costa Rica law applied and viability of theory under Costa Rica law).

[2] *See, e.g., El Chico Restaurants, Inc. v. Aetna Casualty and Surety Co.*, 980 F. Supp. 1474, 1477-81 (S.D. Ga. 1997) (finding fraudulent joinder in case alleging wrongful conduct in Georgia because defendants submitted affirmative, unrebutted proof that non-diverse defendant did not issue any policy covering Georgia risks and did not engage in any conspiracy regarding Georgia rates).

In this case, the defendants did not dispute that plaintiffs' complaint stated a viable cause of action against Georgia-Pacific. *See* Notice of Removal at 3 (from the complaint itself, "the case did not appear removable"). Indeed, if removal is based to any degree on deficiencies in plaintiffs' complaint, the removal was untimely, because GMC concededly removed the case more than 30 days after it was served with the complaint. 28 U.S.C. § 1446(b). Thus, the "shotgun approach" and "careless draftsmanship" in the complaint condemned by the Court (Order at 4 & n.2) do not provide a basis for finding that plaintiffs' cannot recover from, and therefore fraudulently joined, Georgia-Pacific.

Defendants' only showing that plaintiffs fraudulently joined Georgia-Pacific, then, is the plaintiffs' refusal, or inability, or failure, to provide specific information supporting the factual allegations of exposure to Georgia-Pacific products in answer to GMC's interrogatories. But plaintiffs' interrogatory answers – even if characterized as unresponsive, evasive, or an outright abuse of discovery – do not establish that their claims cannot ultimately be proved, *particularly in the absence of any order compelling discovery or the expiration of a discovery deadline*. Any inadequacy in plaintiffs' discovery responses can be remedied through motions to compel. Careless or inadequate responses to discovery do not confer federal jurisdiction.

To be clear, plaintiffs are *not* taking the position that a plaintiff in an asbestos case could invariably defeat federal jurisdiction by merely alleging exposure to the products of the local defendant. Removal might have been appropriate here if GMC had come forward with proof that plaintiffs *could not* have been exposed to Georgia-

Pacific's product because, for example, Georgia-Pacific's products were manufactured after the period of plaintiffs' exposure or Georgia-Pacific's products could not have reached the locations where plaintiffs were exposed. But GMC has not attempted to make such a showing, because they could not do so. Georgia-Pacific is a routine defendant in asbestos litigation across the country, and has sold asbestos products since the mid-1950's. See Georgia-Pacific's Answers to Interrogatories attached to Emergency Motion for Remand.

The Eleventh Circuit has expressly counseled that "[i]n the remand context, the district court's authority to look into the ultimate merit of the plaintiff's claims *must be limited to checking for obviously fraudulent or frivolous claims.*" *Crowe,* 113 F.3d at 1542 (emphasis added). The very purpose of limiting the trial court's inquiry in this area is to ensure that the court is "certain of its jurisdiction before embarking on a safari in search of a judgment on the merits." *Id.* at 1538. But the Court's demand for specific factual corroboration of plaintiffs' general allegations of exposure to Georgia-Pacific products in this case is inconsistent with this limited role. There are scores of similar asbestos cases pending in Fulton County, with similar claims against Georgia-Pacific. Unless the Court modifies the reasoning expressed in its order denying remand, each of these cases will require the Court to embark on a "safari," scrutinizing detailed evidence similar to that attached to this motion, to determine whether the plaintiffs have sufficiently documented their allegations of exposure to Georgia-Pacific products to avoid a finding that they fraudulently joined Georgia-Pacific as a defendant. This time-consuming exercise is unauthorized

by the federal law governing removal as described by the Eleventh Circuit in *Crowe*. So long as plaintiffs alleged a viable claim against Georgia-Pacific (here, they indisputably did or else the removal was untimely) and so long as the defendants have not shown that there is no meaningful possibility that plaintiffs will be able to recover on that claim (here, the defendants made no such showing), plaintiffs' choice of a state forum cannot be disturbed.

III. THE COURT ERRED IN HOLDING THAT PLAINTIFFS' CIVIL CONSPIRACY ALLEGATIONS AGAINST GEORGIA-PACIFIC ARE SO LACKING IN FACTUAL OR LEGAL BASIS AS TO RENDER JOINDER OF GEORGIA-PACIFIC "FRAUDULENT."

The Court rejected plaintiffs' alternative contention that their allegations that Georgia-Pacific is liable under the theory of civil conspiracy precluded a finding of fraudulent joinder, reasoning that "conspiracy itself is not a tort under Georgia law." Order at 7. While plaintiffs do not dispute the Court's statement in isolation, it is an incomplete statement of Georgia's law of conspiracy. Although a conspiracy standing alone does not give rise to a cause of action, a conspiracy, coupled with an overt tortious act in furtherance of the conspiracy, *does* furnish a cause of action against all co-conspirators; "the fact of conspiracy, if proved, makes any actionable deed by one of the conspirators chargeable to all." *Cook v. Robinson*, 116 S.E.2d 742, 745 (Ga. 1960). As plaintiffs pointed out in their reply in support of remand, the "actionable deed" supporting liability under the conspiracy theory was the tortious marketing of unreasonably dangerous asbestos

products by all of the co-conspirators. Reply at 5; see complaint at ¶67(d) (alleging that defendants intended "to induce the Plaintiffs to rely upon said false and fraudulent representations, omissions, and concealments, to continue to expose themselves to the dangers inherent in the use of and exposure to Defendants' asbestos-containing products"). The court "must evaluate these factual allegations in the light most favorable to the plaintiff and must resolve any uncertainties about state substantive law in favor of the plaintiff." *Crowe*, 113 F.3d at 1538. The Court erred in finding that plaintiffs' allegations did not state a claim for conspiracy against Georgia-Pacific under Georgia law.

Moreover, it is far from certain that Georgia law would govern plaintiffs' conspiracy claims. Plaintiffs are citizens of Alabama, and it is possible that Alabama substantive law will apply in these cases. Under Alabama law, a defendant that is part of a conspiracy is liable for torts committed by its co-conspirators in furtherance of the conspiracy. *Jones v. BP Oil Co.*, 632 So.2d 435, 439 (Ala. 1993). Plaintiffs' original complaint clearly alleges facts that would impose liability on Georgia-Pacific under Alabama conspiracy law. *See* Original Complaint at ¶¶ 65-70 (alleging that all defendants, including Georgia-Pacific, concealed and misrepresented medical information concerning the hazards of asbestos, and that these acts proximately caused plaintiffs' injuries). Other jurisdictions, applying the same law of conspiracy, have found that asbestos companies (including, in one case, Georgia-Pacific itself) were potentially liable to injured plaintiffs under the conspiracy theory. *See Central Wesleyan College v. W.R. Grace & Co.*, 6 F.3d 177, 183, 187 (4th Cir. 1993)

(finding plaintiff's conspiracy allegations against Georgia-Pacific and other members of the asbestos industry "non-frivolous" and holding that Georgia-Pacific and other defendants were potentially liable based on plaintiff's allegation that the defendants "cooperated and assisted each other in the suppression and active concealment and misrepresentation of the relationship between asbestos and various diseases as early as the 1930's"); *see also Adcock v. Brakegate, Inc.*, 645 N.E.2d 888, 891 (Ill. 1994) (complaint alleging that asbestos manufacturer engaged in a conspiracy "to suppress information about the hazards of asbestos exposure and to assert positively claims that the conspirators knew were false" stated "a legally recognized cause of action"), and *Nicolet, Inc. v. Nutt*, 525 A.2d 146, 147 (Del. 1987) (holding that "a cause of action exists against a party whose asbestos products did not cause the purported injury, but who allegedly conspired with other manufacturers to actively suppress and intentionally misrepresent medical evidence warning of the health hazards of asbestos"). In light of this precedent, plaintiffs' conspiracy allegations against Georgia-Pacific cannot be characterized as "obviously fraudulent or frivolous," *Crowe*, 113 F.3d at 1542, and require the Court to remand the case to state court for resolution of these legally viable claims against Georgia-Pacific on the merits.

IV. IN THE ALTERNATIVE, THE COURT SHOULD CERTIFY ITS ORDER DENYING REMAND FOR IMMEDIATE INTERLOCUTORY APPEAL.

Should the Court decline to reconsider its order denying remand, plaintiffs respectfully urge the Court to

certify its order for immediate interlocutory appeal pursuant to 28 U.S.C. § 1292(b). That statute permits the prosecution of an appeal of an interlocutory order if the order "involves a controlling question of law as to which there is a substantial ground for difference of opinion" and if "an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). The order denying remand satisfies both of these prerequisites. Plaintiffs respectfully submit that there is a "substantial ground for difference of opinion" on the "controlling question of law" of whether a defendant may satisfy its heavy burden of proving fraudulent joinder by alleging general deficiencies or omissions in plaintiffs' pleadings and discovery responses without making an affirmative showing by "clear and convincing evidence" that plaintiffs have "no possibility" of prevailing on their claims against the local defendant. And immediate review of an order denying remand "may materially advance the ultimate termination of the litigation," because reversal of an erroneous denial of remand will terminate the case in federal court. The Eleventh Circuit, as well as the other federal courts of appeals, have routinely reviewed orders denying remand by permissive interlocutory appeal. *Michetti Pipe Stringing, Inc. v. Murphy Bros., Inc.*, 125 F.3d 1396, 1397 (11th Cir. 1997) (accepting interlocutory appeal from order denying remand); *see also Carpenters Health and Welfare Trust Fund for California v. Tri Capital Corp.*, 25 F.3d 849, 852 ("Where a motion to remand is denied, the propriety of removal is reviewable [(i)] on appeal from the final judgment or [(ii)] by interlocutory appeal if the refusal to remand is certified."). Plaintiffs urge the Court to permit interlocutory

review of its order accepting federal jurisdiction over this case.

Respectfully submitted,

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CLEO JONES, Individually and as Personal Representative of the Heirs and Estate of ISAIAH JONES, JR., Deceased, ET AL.,	§	
Plaintiffs,	§	CIVIL ACTION
VS.	§	FILE NO. 98-CV-745
GEORGIA PACIFIC CORPORATION (successor to BESTWALL GYPSUM COMPANY), ET AL.;	§	
Defendants.	§	

AFFIDAVIT OF BRENT M. ROSENTHAL

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public in and for the aforesaid county and state, personally appeared BRENT M. ROSENTHAL, who, after being duly sworn by me, on oath states:

"My name is BRENT M. ROSENTHAL. I am over 18 years of age and being of sound mind, am competent to make this affidavit. I am an attorney with the firm of Baron & Budd, P.C., counsel for plaintiffs. Along with other counsel in the firm, I am participating in the litigation of the above-entitled and numbered proceeding. I

have personal knowledge of the facts stated herein, all of which are true and correct.

"The attached chart reflects detailed information compiled by the firm of Baron & Budd, P.C. supporting each plaintiff's allegation of exposure to asbestos-containing products made and sold by Georgia-Pacific Corporation. For most plaintiffs, the information on the chart is corroborated by work history forms, based on the plaintiffs' own personal knowledge, verified by the plaintiff and attached to this affidavit, listing the jobsite, dates, and asbestos products (including Georgia-Pacific products) to which the plaintiff was exposed. Where the chart lists a co-worker, the plaintiff expects to demonstrate exposure to Georgia-Pacific products at the specified place and time through the testimony of the co-worker. The information for each Plaintiff from which the chart is compiled is also attached to this affidavit. This preliminary exposure information indicates beyond question that plaintiffs did not fraudulently join Georgia-Pacific Corporation as a defendant in this litigation."

Further affiant sayeth naught.

By: /s/ Brent M. Rosenthal
BRENT M. ROSENTHAL

SWORN TO AND SUBSCRIBED before me, on this the 7th day of May, 1998, to certify which witness my hand and seal of office.

(SEAL)

/s/ Phyllis G. Grauke
Notary Public in and for
the State of Texas

/s/ Phyllis G. Grauke
(Printed Name of Notary)

My Commission Expires:
12/31/98

Jones.I Group

Plaintiff	Co-Worker	Jobsite	Common Years	Georgia Pacific Product Identified by either the Plaintiff or Co-Worker
Annie Patton, dec'd	William Mathers	Brookley Field Mobile, Alabama	1968-1973	All Purpose Joint Compound
Garland Woods	Phillip Kelley	Oak Grove Mines Oak Grove, Alabama	1969-1977	Joint Compound
Isiah Jones, dec'd	Dannie Kennedy	U.S. Steel Fairfield, Alabama	1941-1983	Joint Compound
Claude M. Pike, dec'd	Guy Needham	Anniston Army Depot Anniston, Alabama	1962-1975 intermittently	All Purpose Joint Compound
Sims Coats	Richard Jackson	Alabama State Docks Mobile, Alabama	1953-1959	Joint Compound
Ruben Robinson	Richard Jackson	Alabama State Docks Mobile, Alabama	1953-1962	Joint Compound
Nebraska Greer		various sites for Tennesse Valley Authority see work history	1960-1975	Joint Compound
Clayton L. Hall		Redstone Arsenal Huntsville, Alabama	1965-1980	Joint Compound
Barbara Hoffman		personal residence Plaintiff also has household exposure through her father, James Edwards, dec'd, at U.S. Steel in Fairfield, Alabama	1961-1964 1964-1967	Joint Compound
George W. Raye		James River Paper Mill Pennington, Alabama	1960-1990	Joint Compound
Ray H. Hollingsworth		various see attached work history	1963-1975	Joint Compound

Annie Patton, Dec'd

VERIFICATION

STATE OF Alabama

COUNTY OF Mobile

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
EVELYN V. PATTON
Personal Representative of the
Heirs and Estate of
ANNIE KIRKSEY PATTON, Deceased

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 5th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ Mary Middleton
3/21/99 Notary Public in and for
the State of Alabama

NAME: ANNIE PATTON, DECEASED

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Lear Siegler, Inc.

JOB SITE: Brookley Field

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1968-1973

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 5 years

MY DUTIES AT THIS JOB SITE:
Stripper, Sprayer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH ___

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING:

_____

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: _____

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: _____

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: William B. Mathers, Sr.

NICKNAME: "Bill" "Billy"

GROUP NAME: Mathers. W

WORK HISTORY SHEET

EMPLOYER: _____

JOB SITE: Brookley Air Force Base

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1942-1980

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: _____

MY DUTIES AT THIS JOB SITE:
Aircraft Engine Mechanic/Equipment Specialist

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

Bornis E. Johnson
Gerald Dixon
James R. Ray
Charles C. Ray

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____
(3M Mask – early 70's)

ASBESTOS MATERIALS USED ON THIS JOB:

	WORKED WITH	WORKED AROUND

SEE ATTACHED LIST.

NAME: William B. Mathers, Sr.

NICKNAME: "Bill" "Billy"

GROUP NAME: Mathers. W

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENT:		
Vermont Asbestos 7M		X
Johns-Manville		X
Grefco		X
Quik-Set		X
Zonolite High Temperature		X
REFRACTORY CEMENT:		
Plastic Chrome Ore		X
FIREPROOFING:		
Monokote		X
GASKETS:		
Armstrong		X
Garlock		X
Victor		X
ROPE PACKING:		
Garlock		X
PIPE COVERING:		
Unibestos		X
Pabco		X
FIREBRICK:		
A.P. Green		X
JOINT COMPOUND:		
Georgia-Pacific All Purpose		X
BOARDS AND PANELS:		
Ruberoid		X

Garland Woods

VERIFICATION

STATE OF Alabama

COUNTY OF Walker

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
GARLAND EDWARD WOODS

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 5th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ Barbara Wilson
1/5/2002 Notary Public in and for the State of Alabama

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Alabama Power Company

JOB SITE: Gorgas Steam Plant

CITY, STATE: Gorgas, Alabama

DATE OF JOB: 1955-1959

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 3½ years

MY DUTIES AT THIS JOB SITE: Laborer

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: P.L. Winters Coal Co.

JOB SITE: Sipsey Mine

CITY, STATE: Sipsey, Alabama

DATE OF JOB: 1959

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 weeks

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Natco Corp

JOB SITE: Cordova Brick Plant

CITY, STATE: Cordova, Alabama

DATE OF JOB: 1959

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 months

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Joy Manufacturing

JOB SITE: Mine – name unrecalled

CITY, STATE: Berry, Alabama

DATE OF JOB: 1959, 1963

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 weeks, 3 months

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Bell and Howell Company

JOB SITE: Lynn's Plastic

CITY, STATE: Chicago, Illinois

DATE OF JOB: 1960

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 months

MY DUTIES AT THIS JOB SITE:
Shipping Department, Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Debardeleben Coal Corp.

JOB SITE: Riverbank Mines

CITY, STATE: Tuscaloosa, Alabama

DATE OF JOB: 1960-1961

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year 3 months

MY DUTIES AT THIS JOB SITE:
Drill Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Job Complete

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUFERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Peabody Coal Company

JOB SITE: Oak Grove Mine/Riverbank Mine

CITY, STATE: Warrior, Alabama/Tuscaloosa, Alabama

DATE OF JOB: 1962-1968, intermittently

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 years

MY DUTIES AT THIS JOB SITE:
Drill Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Ensor Const. Co.

JOB SITE: Various Residences

CITY, STATE: Huntsville, Alabama

DATE OF JOB: 1962

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 month

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: United States Pipe and Foundry Co.

JOB SITE: U.S. Pipe

CITY, STATE: Birmingham, Alabama

DATE OF JOB: 1963-1964

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 9 months

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Bollmeir Construction Co.

JOB SITE: Warrior Mine

CITY, STATE: Jefferson County, Alabama

DATE OF JOB: 1966-1967

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 6 months

MY DUTIES AT THIS JOB SITE:
Laborer, Drill Operator, Dozer Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Unknown

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Peabody Coal Company

JOB SITE: Riverbank Mines/Oak Grove Mines

CITY, STATE: Tuscaloosa, Alabama/Warrior, Alabama

DATE OF JOB: 1968-1977

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 7 years

MY DUTIES AT THIS JOB SITE:
Drill operator, Laborer, Dozer Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Nutmeg Coal Company

JOB SITE: Warrior River Mine

CITY, STATE: Jefferson County, Alabama

DATE OF JOB: 1977

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 months

MY DUTIES AT THIS JOB SITE:
Drill Helper, Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Russell Coal, Inc.

JOB SITE: Gorgas Strip Mine

CITY, STATE: Gorgas, Alabama

DATE OF JOB: 1977-1978

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 years

MY DUTIES AT THIS JOB SITE:
Laborer, Drill Helper

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GARLAND EDWARD WOODS

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Arch of Alabama, Inc.

JOB SITE: Walker County Mines

CITY, STATE: Walker County, Alabama

DATE OF JOB: 1978-1987

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 9 years

MY DUTIES AT THIS JOB SITE:
Dozer Operator, Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING:

Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: PHILLIP GRAHAM KELLEY

NICKNAME: _____

GROUP NAME: CONNER. J

WORK HISTORY SHEET

EMPLOYER: USX Corporation

JOB SITE: See attached list.

CITY, STATE: See attached list.

DATE OF JOB: 1969-1989

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 20 years

MY DUTIES AT THIS JOB SITE:
Supervisor

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Resigned

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

SEE ATTACHED LIST.

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES ___ NO X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHED.

NAME: PHILLIP GRAHAM KELLEY

NICKNAME: _____

GROUP NAME: CONNER. J

WORK HISTORY SHEET

JOBSITES:

Coal Mining Division
Wenonah, Alabama

Dolonah Mine
Bessemer, Alabama

Concord Mine
Hueytown, Alabama

Oak Grove Mine
Oak Grove, Alabama

Gurnee Mine
Shelby County, Alabama

Cumberland Mine
Pennsylvania

Maple Creek Mine
Washington, Pennsylvania

Shawnee Mine
West Virginia

#50 Mine

Zinc Mine
Jefferson City, Tennessee

NAME: PHILLIP GRAHAM KELLEY

NICKNAME: _____

GROUP NAME: CONNER. J

WORK HISTORY SHEET

CO-WORKERS:

Jimmy Burgett, Deceased
Dan Vinston
Johnny Benson
Robert Goggins
Bud Petty
B.W. Hardin
Neil Lawrence

NAME: PHILLIP GRAHAM KELLEY

NICKNAME: _____

GROUP NAME: CONNER. J

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
GASKETS:		
Armstrong	X	X
Anchor	X	X
Flexitallic	X	X
Victor	X	X
PACKING:		
Anchor		X
Armstrong		X

CEMENTS:	
Johns-Manville	X
Flintkote Fibrex	X
Perf-A-Tape	X
Pabco	X
Delta Maid One Shot	X
Quik Set	X
A.P. Green	X
PLASTIC CEMENT:	
Certainteed	X
JOINT COMPOUND:	
Durabond	X
Gold Bond	X
Georgia Pacific	X
Triko	X
PIPECOVERING:	
Unibestos	X
Kaylo	X
Carey	X
Pabco	X
REFRACTORY CEMENT:	
Vee Block Mix	X
GUN MIX:	
Narco	X
TAPE:	
Unknown	X
WIRE & CABLE:	
Okonite	X
Rockbestos	X
General Electric	X
Reliance	X
Westinghouse	X

Isaiah Jones, Dec'd

VERIFICATION

STATE OF Alabama

COUNTY OF Jefferson

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
CLEO JONES
Personal Representative of the
Heirs and Estate of
ISAIAH JONES, JR., Deceased

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 5th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires:
12/16/99

/s/ Sherry H. Thomas
Notary Public in and for
the State of Alabama

NAME: ISIAH JONES, JR., DECEASED

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Tennessee Coal and Iron

JOB SITE: U.S. Steel

CITY, STATE: Fairfield, Alabama

DATE OF JOB: 1940-1983

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 43 years

MY DUTIES AT THIS JOB SITE: Brickmason/Laborer

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH ___

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING:

_____

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: _____

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: _____

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: DANNIE OTHAL KENNEDY

NICKNAME: _____

GROUP NAME: KNOX

WORK HISTORY SHEET

EMPLOYER: Tennessee Coal & Iron/USX Corporation

JOB SITE: U.S. Steel

CITY, STATE: Musgota, Alabama; Fairfield, Alabama

DATE OF JOB: 1941-1983

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 41 years

MY DUTIES AT THIS JOB SITE:
Electrician

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

See Attached List

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

_____

_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHED LIST

NAME: DANNIE OTHAL KENNEDY

NICKNAME: _____

GROUP NAME: KNOX

WORK HISTORY SHEET

Co-Workers:

Sam Browning
Howard Whaley
Jack Chastain
Merrell Killingsworth
Ray LaBorde
Earl Watson
Ed Brown
William Coleman
John Adams
Roy Flack
A.B. Jones
Raymond Howard
Clay Blake
George Crane

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
FELTS/CLOTH:		
Asten		X
GASKETS:		
Armstrong		X
Flexiallic		X
Garlock		X
Victor		X
CEMENTS:		
Johns-Manville		X
Perf-A-Tape		X
Calsilite		X
Pyroscat		X
Super 711		X
Pabco		X
Grefco		X

Quik Set	X
A. P. Green	X
Kast-O-Lite	X
JOINT COMPOUND:	
Durabond	X
Gold Bond	X
Georgia Pacific	X
Napko	X

NAME: DANNIE OTHAL KENNEDY

NICKNAME: _____

GROUP NAME: KNOX

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
FIREPROOFING:		
Zonolite		X
Cafco Heat Shield		X
PIPECOVERING:		
Unibestos		X
Kaylo		X
Pabco		X
Thermasil		X
REFRACTORY CEMENT:		
Vee Block Mix		X
Micacrete		X
GUN MIX:		
Narco		X

NAME: DANNIE OTHAL KENNEDY

NICKNAME: _____

GROUP NAME: KNOX

WORK HISTORY SHEET

EMPLOYER: Personal Use

JOB SITE: Various Residences, Farms

CITY, STATE: _____

DATE OF JOB: 1946-1980

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: _____

MY DUTIES AT THIS JOB SITE:
Carpenter

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: During lay offs-strikes

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 20-40

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
ROOFING/SIDING:		
Gold Bond		X
Flintkote		X
Johns-Manville		X
PLASTIC CEMENT:		
Certainteed		X

_____

Claude M. Pike, Dec'd

NAME: CLAUDE MORRIS PIKE

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Kilby Steel Co., Inc.

JOB SITE: Kilby Steel

CITY, STATE: Anniston, Alabama

DATE OF JOB: 1943-1944

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 months

MY DUTIES AT THIS JOB SITE:
Steelpress Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES X	NO ____

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: CLAUDE MORRIS PIKE

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Anniston Army Depot

JOB SITE: Anniston Army Depot

CITY, STATE: Anniston, Alabama

DATE OF JOB: 1951-1975, intermittently

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 14½ years

MY DUTIES AT THIS JOB SITE:
Heavy Equipment Operator, Mechanic

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	AROUND

NAME: CLAUDE MORRIS PIKE

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Macrae Midas Co

JOB SITE: Midas

CITY, STATE: Birmingham, Alabama

DATE OF JOB: 1962-1962

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 9 months

MY DUTIES AT THIS JOB SITE:
Mechanic

WAS JOB NEW CONSTRUCTION ___;
REPAIR X ; or BOTH ___

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

EMPLOYER: General Motors Corporation

JOB SITE: GM Plant-Chevrolet Division

CITY, STATE: Detroit, Michigan

DATE OF JOB: 1954

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 month

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

EMPLOYER: Hoechst Celanese Corp.

JOB SITE: Celanese Plant

CITY, STATE: Rome, Georgia

DATE OF JOB: 1955-1956

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year

MY DUTIES AT THIS JOB SITE:
Sheetmetal Worker

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Unknown
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "A"
FOR PRODUCTS USED AT VARIOUS MANUFACTURING PLANTS AND OTHER SITES

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

EMPLOYER: General Electric Company

JOB SITE: General Electric

CITY, STATE: Rome, Georgia

DATE OF JOB: 1956-1957

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year; 6 months

MY DUTIES AT THIS JOB SITE:
Welder

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Unknown
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

EMPLOYER: Woodward Corporation Trial Mobile Leasing Corp.

JOB SITE: Pullman Standard

CITY, STATE: Bessemer, Alabama

DATE OF JOB: 1963

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year

MY DUTIES AT THIS JOB SITE: Welder

WAS JOB NEW CONSTRUCTION ___; REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	AROUND

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

EMPLOYER: Anniston Army Depot

JOB SITE: Anniston Army Depot

CITY, STATE: Anniston, Alabama

DATE OF JOB: 1962-1987

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 25 years

MY DUTIES AT THIS JOB SITE:
Welder

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

G.L. McCaun
Ernest G. Brown
Hoyt Burns
James B. McIntyre

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES X	NO ____
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Unknown

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

3M Mask

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "A"
FOR PRODUCTS USED AT VARIOUS MANUFACTURING PLANTS AND OTHER SITES

NAME: GUY ALFRED NEEDHAM

NICKNAME: _____

GROUP NAME: LANG. J

WORK HISTORY SHEET

ATTACHMENT "A"

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENT:		
Johns-Manville		X
Calcrete		X
Grefco		X
Mundet		X
Quik-Set		X
Zonolite High Temperature		X
REFRACTORY CEMENT:		
Vee Block Mix		X
Insulag		X
FIREPROOFING:		
Monokote		X
GASKETS/SHEET GASKETS:		
Armstrong		X
Flexitallic		X
Anchor		X
Victor		X
ROPE PACKING:		
Anchor		X
PIPE COVERING:		
Unibestos		X
Kaylo		X
Thermasil		X

BLOCK INSULATION:	
K&M Hy-Temp	X
JOINT COMPOUND:	
"USG"	X
Georgia-Pacific All Purpose	X
Gold Bond	X
Paco Quik-Set	X
PLASTIC CEMENT:	
CertainTeed	X
Flintkote	X
CLOTH:	
Raybestos	X
Asbeston	X
BOILERS:	
Riley Stoker	X

Sims Coats

VERIFICATION

STATE OF Alabama

COUNTY OF Mobile

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
SIM COATS
Client unable to write –
Mildred Stephens

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 6th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires:
6/28/99

/s/ Mildred Stephens
Notary Public in and for
the State of Alabama

NAME: SIMS COATS

NICKNAME: "HARDWORKER"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Various Stevedoring Companies

JOB SITE: Alabama State Docks

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1936-1959

EXPOSURE TO ASBESTOS PRODUCTS:

LENGTH OF JOB: 23 years

MY DUTIES AT THIS JOB SITE: Laborer, Longshoreman

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired due to Disability

WAGE RATE/HOUR:

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

COMMENTS: Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: SIMS COATS

NICKNAME: "HARDWORKER"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Atlantic Land Corp.

JOB SITE: ADDSCO Shipyard

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1940's

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: RICHARD JACKSON

NICKNAME: "IRON JAW"

GROUP NAME: AUSTIN. P

WORK HISTORY SHEET

EMPLOYER: See Attached Social Security Print Out

JOB SITE: Alabama State Docks

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1943-1946; 1953-1987

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 35 years

MY DUTIES AT THIS JOB SITE: Laborer, Warehouse Foreman

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

Eugene Witherspoon
Joseph Moore
Tommy Blankenship
Carter Compton
Ted Perryman
Billy Perryman
Richard Perryman

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHED LIST

NAME: RICHARD JACKSON

NICKNAME: "IRON JAW"

GROUP NAME: AUSTIN. P

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENTS:		
Johns-Manville		X
Super 711		X
Grefco		X
Mundet		X
Delta Maid One Shot		X
A.P. Green		X
Quik-Set		X
REFRACTORY CEMENTS:		
Vee Block Mix		X
Insulag		X
GUN MIX:		
H-W Chromepak G		X
Narco		X
PIPE COVERING:		
Featherweight		X
Unibestos		X
Kaylo		X
Thermasil		X
JOINT COMPOUND:		
"USG"		X
Georgia-Pacific		X
Gold Bond		X
Paco Quik-Set		X

MILLBOARD:	
Ruberoid	X
PLASTIC CEMENT:	
Flintkote	X
CertainTeed	X
BOILERS:	
Babcock & Wilcox	X
Combustion Engineering	X
Foster Wheeler	X

Ruben Robinson

VERIFICATION

STATE OF Alabama

COUNTY OF Mobile

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
Ruben Edward Robinson, Sr.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 5th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires:
May 5, 2001

/s/ Sharen Rockwell
Notary Public in and for
the State of Alabama

NAME: RUBEN EDWARD ROBINSON, SR.

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Various Stevedoring Companies

JOB SITE: Alabama State Docks

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1930's-1962

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: Approx. 30 years

MY DUTIES AT THIS JOB SITE:
Laborer, Longshoreman

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

NAME: RICHARD JACKSON

NICKNAME: "IRON JAW"

GROUP NAME: AUSTIN. P

WORK HISTORY SHEET

EMPLOYER: See Attached Social Security Print Out

JOB SITE: Alabama State Docks

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1943-1946; 1953-1987

EXPOSURE TO ASBESTOS PRODUCTS:

LENGTH OF JOB: 35 years

MY DUTIES AT THIS JOB SITE: Laborer, Warehouse Foreman

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR:

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

Eugene Witherspoon
Joseph Moore
Tommy Blankenship
Carter Compton
Ted Perryman
Billy Perryman
Richard Perryman

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHED LIST

NAME: RICHARD JACKSON

NICKNAME: "IRON JAW"

GROUP NAME: AUSTIN. P

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENTS:		
Johns-Manville		X
Super 711		X
Grefco		X
Mundet		X
Delta Maid One Shot		X
A.P. Green		X
Quik-Set		X
REFRACTORY CEMENTS:		
Vee Block Mix		X
Insulag		X
GUN MIX:		
H-W Chromepak G		X
Narco		X
PIPE COVERING:		
Featherweight		X
Unibestos		X
Kaylo		X
Thermasil		X
JOINT COMPOUND:		
"USG"		X
Georgia-Pacific		X
Gold Bond		X
Paco Quik-Set		X

MILLBOARD:	
Ruberoid	X
PLASTIC CEMENT:	
Flintkote	X
CertainTeed	X
BOILERS:	
Babcock & Wilcox	X
Combustion Engineering	X
Foster Wheeler	X

Nebraska Greer

VERIFICATION

STATE OF Alabama

COUNTY OF Lauderdale

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
NEBRASKA GREER

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 6th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ Gayle Littrell
October 5, 1999 Notary Public in and for the State of Alabama

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H-104

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Reynolds Metals Co.

JOB SITE: Reynolds Metals Co.

CITY, STATE: Sheffield, Alabama

DATE OF JOB: 1942

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 months

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Nile ELN & Dan B. Yearwood

JOB SITE: Courtland Air Base

CITY, STATE: Courtland, Alabama

DATE OF JOB: 1942

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 3 months

MY DUTIES AT THIS JOB SITE:
Carpenter helper

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Reynolds Alloys Co.

JOB SITE: Reynolds Alloys Co.

CITY, STATE: Sheffield, Alabama

DATE OF JOB: 1943

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 4 months

MY DUTIES AT THIS JOB SITE:
Laborer

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Southern Constructors

JOB SITE: PDW Plant

CITY, STATE: Sheffield, Alabama

DATE OF JOB: 1951-1953

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 3 years

MY DUTIES AT THIS JOB SITE:
Laborer, Carpenter Helper

WAS JOB NEW CONSTRUCTION X ;
REPAIR ___; or BOTH ___

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Job Complete

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Tennessee Valley Authority

JOB SITE: See Attached

CITY, STATE: See Attached

DATE OF JOB: 1954, 1960-1975

EXPOSURE TO ASBESTOS PRODUCTS:

LENGTH OF JOB: 15 years

MY DUTIES AT THIS JOB SITE:
Pump Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
See Attached
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	AROUND

SEE ATTACHED LIST

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites:

Browns Ferry Nuclear Plant
Athens, Alabama

Joe Wheeler Dam
Town Creek, Alabama

Wilson Dam
Sheffield, Alabama

Pigwick Dam
Savannah, Tennessee

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

Coworkers:

Turner Hannah
Freeman Davis
Tony Holland
Ledgie Grisham
Jack Wilson
Jack Hayes

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENT:		
Johns-Manville	X	X
REFRACTORY CEMENT:		
Unknown		X
GUN MIX:		
Unknown		X
FIREPROOFING:		
Unknown		X
GASKETS/SHEET GASKETS:		
Armstrong		X
ROPE PACKING:		
Unknown		X
PIPE COVERING:		
Unknown		X
JOINT COMPOUND:		
Durabond		X
Georgia-Pacific		X
PLASTIC CEMENT:		
Unknown		X
FELT/CLOTH:		
Unknown		X
TRANSITE PIPE:		
Unknown		X

BOILERS:

Foster Wheeler	X
Babcock & Wilcox	X
Combustion Engineering	X

TURBINES:

General Electric	X

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Farnsworth & Chambers Co., Inc.

JOB SITE: AMOCO Plant

CITY, STATE: Decatur, Alabama

DATE OF JOB: 1954

EXPOSURE TO ASBESTOS PRODUCTS:

LENGTH OF JOB: 3 months

MY DUTIES AT THIS JOB SITE:
Oiler

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Forcum James Co.

JOB SITE: Redstone Arsenal

CITY, STATE: Huntsville, Alabama

DATE OF JOB: 1954-1955

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1½ years

MY DUTIES AT THIS JOB SITE:
Mechanic Helper

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

H-120

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: See Attached

JOB SITE: Reynolds Metals

CITY, STATE: Sheffield, Alabama

DATE OF JOB: See Attached

EXPOSURE TO
ASBESTOS PRODUCTS:

LENGTH OF JOB: 4 years

MY DUTIES AT THIS JOB SITE:
Oiler, Construction

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	AROUND

PLAINTIFF DOES NOT RECALL

NAME: NEBRASKA GREER

NICKNAME: "BRASKA"

GROUP NAME: JONES. I

WORK HISTORY SHEET

Employers:

Moss Thornton Co., Inc.
1956 (7-8 months)

McKinley & McKinley Ptr.
1957 (3 months)

Melvin Ballew & Grace Roberts
1957 (1 month)

Texstar Corp.
1957-1958 (7-8 months)

Eastham Orr, Inc.
1957 (1 month)

Daniel International Corp.
1958-1959 (2 years)

Universal Power Piping, Inc.
1966 (1-2 weeks)

Clayton L. Hall

VERIFICATION

STATE OF Alabama

COUNTY OF Morgan

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
CLAYTON LEWIS HALL

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 6th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ David W. Beddingfield
2-29-2000 Notary Public in and for the State of Alabama

H-124

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: U.S. Navy

JOB SITE: See Attached

CITY, STATE: See Attached

DATE OF JOB: 1942-1951, 1953-1957

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 13 years

MY DUTIES AT THIS JOB SITE:
Boiler Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Duty Complete

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
GASKETS/SHEET GASKETS:		
Flexitallic	X	X
Armstrong	X	X
Garlock	X	X
Victor	X	X
ROPE PACKING:		
Anchor	X	X
John Crane	X	X

H-126

NAME: CLAYTON LEWIS HALL

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites:

USS Pennsylvania BB-38
Guam
Pearl Harbor, Hawaii
Puget Sound Naval Yard, Washington
Bakia, South Pacific

USS Oregon City CA-122
Newport, Rhode Island

USS Portsmouth CL-102
Norfolk, Virginia

USS Cacapon AO-52
Mare Island, California
Singtown, China

USS Astubula AO-51
San Diego, California

USS Calvin C. Cockrell DE-366
San Diego, California

USS Magoffin APA-199
San Diego, California

USS Oakhill LSD-7
San Diego, California

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: American Cyanamid Co.

JOB SITE: American Cyanamid Plant

CITY, STATE: Arco, Idaho

DATE OF JOB: 1951-1952

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 7 months

MY DUTIES AT THIS JOB SITE:
Boiler Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: CLAYTON LEWIS HALL

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Johns-Manville Products Corp.

JOB SITE: Johns-Manville Products Corp.

CITY, STATE: Long Beach, California

DATE OF JOB: 1952

EXPOSURE TO
ASBESTOS PRODUCTS:

LENGTH OF JOB: 2 Days

MY DUTIES AT THIS JOB SITE:
Operator, Coreman

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Richfield Oil Corp.

JOB SITE: Richfield Oil Refinery

CITY, STATE: Long Beach, California

DATE OF JOB: 1952

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2-3 months

MY DUTIES AT THIS JOB SITE:
Pipefitter Helper

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Better Job

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites: Shaw Air Force Base
South Carolina

Van Dirma Air Force Base
Ismu, Turkey

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: U.S. Air Force

JOB SITE: See Attached

CITY, STATE: See Attached

DATE OF JOB: 1957-1964

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 7 years

MY DUTIES AT THIS JOB SITE:
Heating Equipment Specialist, Gas Plant Operator

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Honorable Discharge

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____

_____

_____

_____

_____

_____

_____

_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

_____

_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

PLAINTIFF DOES NOT RECALL

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Civil Service

JOB SITE: See Attached

CITY, STATE: See Attached

DATE OF JOB: See Attached

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 17 years

MY DUTIES AT THIS JOB SITE:
Boiler Operator, Mechanic

WAS JOB NEW CONSTRUCTION ___;
REPAIR WORK ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired

WAGE RATE/HOUR: Union Scale

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
See Attached
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHED LIST

NAME: CLAYTON LEWIS HALL

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites:

Maxwell Air Force Base
Montgomery, Alabama
1964-1965 (6 months)

Redstone Arsenal
Huntsville, Alabama
1965-1980 (15 years)

NAME: CLAYTON LEWIS HALL

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

Coworkers:

Gilbert Edwards
Perry Rolfe
Harold Brookes
Robert Hall
Charlie Cornelism
Fred Swain
Rayburn Smith
Wade Barnes
Bill Barnes
Herman Pardon
Abe Poe
George Pike
Clyde Jean
Raymond Swain
Monroe Dorning
Sinion Martin
Roy King
Junior Prince
Jean Prince

NAME: CLAYTON LEWIS HALL

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Not Applicable – Household Exposure from father, James Ruben Hall, who was a machinist in the Navy. Exposure 1925-1942

JOB SITE: _____

CITY, STATE: _____

DATE OF JOB: _____

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: _____

MY DUTIES AT THIS JOB SITE:

_____

_____

WAS JOB NEW CONSTRUCTION ___; REPAIR WORK ___; or BOTH ___

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING: _____

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: _____

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: _____

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST: _____
_____
_____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: ____

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

NAME: CLAYTON LEWIS HALL

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENT:		
Vermont Asbestos 7M	X	X
Johns-Manville	X	X
Pabco	X	X
Grefco	X	X
Delta Maid One Shot	X	X
A.P. Green	X	X
Quik-Set	X	X
REFRACTORY CEMENT:		
Vee Block Mix	X	X
JOINT SEALANT:		
Damit		X
FIREPROOFING:		
Unknown		X
PIPE COVERING:		
Featherweight	X	X
Unibestos	X	X
Kaylo	X	X
Carey	X	X
Pabco	X	X
Thermasil	X	X
BLOCK INSULATION:		
Unknown	X	X
FIREBRICK:		
Unknown	X	X

FLOOR TILES:		
Unknown		X
JOINT COMPOUND:		
Durabond		X
Georgia-Pacific		X
Gold Bond		X
Paco		X
Triko		X
CEMENT BOARDS/SHEETS:		
Unknown		X
PLASTIC CEMENT:		
Flintkote		X
ROOF COATING:		
Georgia-Pacific		X
FELT/CLOTH:		
Speedlag		X
TRANSITE PIPE:		
Johns-Manville	X	X
BOILERS:		
Foster Wheeler	X	X
Babcock & Wilcox	X	X
Combustion Engineering	X	X
Cleaver Brooks	X	X
TURBINES:		
Westinghouse	X	X

Barbara Hoffman

VERIFICATION

STATE OF Tennessee

COUNTY OF Shelby

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
BARBARA EDWARDS HOFFMAN

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 15th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ Peggy S. Hall
_____ Notary Public in and for
the State of Tennessee

NAME: BARBARA ANN HOFFMAN

NICKNAME: _____

GROUP NAME: JONES. I

FIRS AMENDED WORK HISTORY SHEET

EMPLOYER: _____

JOB SITE: Personal Residence

CITY, STATE: Birmingham, Alabama

DATE OF JOB: 1961-1964

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: _____

MY DUTIES AT THIS JOB SITE:

WAS JOB NEW CONSTRUCTION ___;
REPAIR X ; or BOTH ___

WAS JOB INDOORS? X ;
OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING:

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST:

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
JOINT COMPOUND:		
Georgia Pacific		X
Paco Quik-Set		X
ROOFING PRODUCT:		
Flintkote		X
ASBESTOS SIDING:		
Unknown		X
FLOOR TILES:		
Unknown		X

NAME: BARBARA ANN HOFFMAN

NICKNAME: _____

GROUP NAME: JONES. I

FIRST AMENDED WORK HISTORY SHEET

EMPLOYER: Baptist Memorial Hospital

JOB SITE: Baptist Memorial Hospital

CITY, STATE: Memphis, Tennessee

DATE OF JOB: 1981-present

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 16 years

MY DUTIES AT THIS JOB SITE:
Head Nurse; Staff Nurse; Supervisor

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH ___

WAS JOB INDOORS? X ;
OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING:

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST:

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

TEAR OUT EXPOSURE

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NAME: BARBARA ANN HOFFMAN

NICKNAME: _____

GROUP NAME: JONES. I

FIRST AMENDED WORK HISTORY SHEET

EMPLOYER: Not Applicable: Household Exposure Through Father, James Edwards, Dec'd; U.S. Steel Mill at Birmingham, Alabama from 1946 to 1967

JOB SITE: _____

CITY, STATE: _____

DATE OF JOB: _____

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: _____

MY DUTIES AT THIS JOB SITE:

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH ___

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH ___

REASON FOR LEAVING:

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

_____
_____
_____
_____
_____
_____
_____
_____

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO ____
FUMES	YES ____	NO ____
GASES	YES ____	NO ____
CHROMIUM	YES ____	NO ____
CADMIUM	YES ____	NO ____
ANY OTHER PRODUCT	YES ____	NO ____

LIST:

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: ___

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
_____		

George W. Raye

VERIFICATION

STATE OF Alabama

COUNTY OF Choctaw

I, the undersigned, state under oath that I am the Plaintiff in the above-entitled and numbered cause and that the Supplemental Answers to Master Discovery Requests (Work History) are within my personal knowledge, and are true and correct to the best of my knowledge.

/s/ _____
GEORGE WASHINGTON RAYE

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on the 5th day of May, 1998, to which witness my official hand and seal of office.

My Commission expires: /s/ Nancy Mayfield
1-22-2002 Notary Public in and for the State of Alabama

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NAME: GEORGE WASHINGTON RAYE

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: _____

JOB SITE: James River Paper Mill

CITY, STATE: Pennington, Alabama

DATE OF JOB: 1960-1990

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 30 years

MY DUTIES AT THIS JOB SITE:
Laborer, Clean-up Man, Woodyard Operator, Crane Operator, Relief Foreman

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Retired due to disability

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

S.J. Austin
Quentin Horn
George Minor
Collie Smith
Hardin Ray
J.D. Thompkins
John L. Ward
Paul Bracy

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES ____	NO X
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: _____

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

COMMENTS: Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	AROUND

SEE ATTACHED LIST

NAME: GEORGE WASHINGTON RAYE

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND
INSULATING CEMENT:		
Johns-Manville		X
Grefco		X
Quik-Set		X
REFRACTORY CEMENTS:		
Vee Block Mix		X
Insulag		X
GASKETS:		
Armstrong		X
Flexitallic		X
PACKING:		
Garlock		X
PIPE COVERING:		
Featherweight		X
Unibestos		X
K..ylo		X
JOINT COMPOUND:		
Durabond		X
Georgia-Pacific		X
Triko		X
FELT:		
Asten		X
CLOTH:		
Asbeston		X

Raybestos	X
BOILERS:	
Babcock & Wilcox	X
Combustion Engineering	X
TURBINES:	
General Electric	X

Ray H. Hollingsworth

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: T.R. Williams

JOB SITE: Various Schools and Housing Projects

CITY, STATE: Tuscaloosa, Alabama

DATE OF JOB: 1961-1963

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 years

MY DUTIES AT THIS JOB SITE: Painter

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint Fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "A"
FOR PRODUCTS USED ON RESIDENCES

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Ralph E. Sutton; W.O. Parker; Douglas Beasley; Vernon Jacobs

JOB SITE: Various Residences

CITY, STATE: Tuscaloosa, Alabama

DATE OF JOB: 1963-1965; 1971

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 3 years

MY DUTIES AT THIS JOB SITE: Painter

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "A"
FOR PRODUCTS USED ON RESIDENCES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Cannon Sline, Inc./O.B. Cannon & Son, Inc.

JOB SITE: See Attached List

CITY, STATE: See Attached List

DATE OF JOB: 1965; 1968

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 9 months

MY DUTIES AT THIS JOB SITE: Painter

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ___ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON RESIDENCES

NAME: RAY HARDIN HOLLINGSWORTH
NICKNAME:
GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites:

Allied Paper Mill
Jackson, Alabama

Scott Paper Mill
Mobile, Alabama

Shell Chemical Plant
Axis, Alabama

NAME: RAY HARDIN HOLLINGSWORTH
NICKNAME:
GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Crane & Steel Erection Corp.
JOB SITE: Ingalls Shipyard
CITY, STATE: Pascagoula, Mississippi
DATE OF JOB: 1965
EXPOSURE TO ASBESTOS PRODUCTS:
LENGTH OF JOB: 1 month
MY DUTIES AT THIS JOB SITE: Painter
WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X
WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X
REASON FOR LEAVING: Completed Job
WAGE RATE/HOUR:

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

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NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: James A. Boehner

JOB SITE: Berkeley Steel Mill

CITY, STATE: Berkeley, California

DATE OF JOB: 1966

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 3 months

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

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NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Eureka Marine Co.

JOB SITE: Alameda Naval Shipyard

CITY, STATE: Oakland, California

DATE OF JOB: 1966

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 month

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: ____ NO: X

COMMENTS:

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Allied Industrial Painters

JOB SITE: See Attached List

CITY, STATE: See Attached List

DATE OF JOB: 1966-1971

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 5 years

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites: Various Industrial Sites, Including:

Scott Paper Mill
Mobile, Alabama

International Paper Mill
Mobile, Alabama

Ingalls Shipyard
Pascagoula, Mississippi

Courtaulds Fiber Plant
LeMoyne, Alabama

Olin Chemical Plant
McIntosh, Alabama

Ciba-Geigy Chemical Plant
McIntosh, Alabama

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Pullman, Inc./M.W. Kellogg

JOB SITE: Barry Steam Plant

CITY, STATE: Bucks, Alabama

DATE OF JOB: 1968

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 month

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: RCM Engineering Co.

JOB SITE: Ideal Cement Plant

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1969

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 months

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Ted Mosley/Marvin Sumlin

JOB SITE: Bryce Hospital

CITY, STATE: Tuscaloosa, Alabama

DATE OF JOB: 1972; 1974; 1981-1982

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 1 year

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

H-175

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Maritime Coatings, Inc.

JOB SITE: Addsco Shipyard

CITY, STATE: Mobile, Alabama

DATE OF JOB: 1974

EXPOSURE TO
ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 months

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS
PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ____	NO X
FUMES	YES X	NO ____
GASES	YES ____	NO X
CHROMIUM	YES ____	NO X
CADMIUM	YES ____	NO X
ANY OTHER PRODUCT	YES ____	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ____

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

H-177

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Dixie Paint & Decorating Co.; Melvin Pierce Painting

JOB SITE: See Attached List

CITY, STATE: See Attached List

DATE OF JOB: 1974-1976

EXPOSURE TO ASBESTOS PRODUCTS: _____

LENGTH OF JOB: 2 years

MY DUTIES AT THIS JOB SITE: Painter

WAS JOB NEW CONSTRUCTION ___; REPAIR ___; or BOTH X

WAS JOB INDOORS? ___; OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ___	NO X
FUMES	YES X	NO ___
GASES	YES ___	NO X
CHROMIUM	YES ___	NO X
CADMIUM	YES ___	NO X
ANY OTHER PRODUCT	YES ___	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "A"
FOR PRODUCTS USED ON RESIDENCES

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

Jobsites:

Scott Paper Mill
Mobile, Alabama

Virginia Chemical Plant
Axis, Alabama

Various Commercial Buildings
Mobile, Alabama

Various Residences
Mobile, Alabama

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

EMPLOYER: Off Shore Trawlers, Inc.

JOB SITE: Graham Shipyard

CITY, STATE: Bayou La Batre, Alabama

DATE OF JOB: 1975

EXPOSURE TO
ASBESTOS PRODUCTS:

LENGTH OF JOB: 1 month

MY DUTIES AT THIS JOB SITE:
Painter

WAS JOB NEW CONSTRUCTION ___;
REPAIR ___; or BOTH X

WAS JOB INDOORS? ___;
OUTDOORS? ___; or BOTH X

REASON FOR LEAVING: Completed Job

WAGE RATE/HOUR: _____

AVERAGE HOURS WORKED/WEEK: 40+

PERCENTAGE OF TIME EXPOSED TO ASBESTOS PRODUCTS: 100%

SUPERVISOR: _____

NAMES OF COWORKERS & JOB TITLES:

See Attachment "C"

ON THIS JOB SITE WERE YOU EXPOSED ANY OF THE FOLLOWING:

CHEMICALS	YES ___	NO X
FUMES	YES X	NO ___
GASES	YES ___	NO X
CHROMIUM	YES ___	NO X
CADMIUM	YES ___	NO X
ANY OTHER PRODUCT	YES ___	NO X

LIST: Paint fumes

DID YOU WEAR A RESPIRATOR, MASK OR OTHER PROTECTIVE DEVICE ON THIS JOB TO AVOID INHALATION OF ANY DUST OR FUMES INCLUDING ASBESTOS DUST?

YES: X NO: ___

COMMENTS: 3M Mask Worn Occasionally

ASBESTOS MATERIALS USED ON THIS JOB:	WORKED WITH	WORKED AROUND

SEE ATTACHMENT "B"
FOR PRODUCTS USED ON COMMERCIAL & INDUSTRIAL SITES

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

ATTACHMENT "A"

ASBESTOS MATERIALS USED ON THIS JOB	WORKED WITH	WORKED AROUND
FLOOR TILE:		
Armstrong		X
JOINT COMPOUND:		
Durabond		X
Georgia-Pacific		X
Gold Bond		X
Paco		X
Synko Triple Duty		X
Triko		X
PLASTIC CEMENT:		
CertainTeed		X
Flintkote		X

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME: _____

GROUP NAME: JONES. I

WORK HISTORY SHEET

ATTACHMENT "B"

ASBESTOS MATERIALS USED ON THIS JOB	WORKED WITH	WORKED AROUND
INSULATING CEMENTS:		
Johns-Manville		X
Pabco		X
Grefco		X
Delta Maid One Shot		X
Carey		X
A.P. Green		X
Quik-Set		X
Zonolite High Temperature		X
REFRACTORY CEMENTS:		
Vee Block Mix		X
Micacrete		X
Insulag		X
FIREPROOFING:		
Monokote		X
Cafco		X
GASKETS:		
Armstrong		X
Flexitallic		X
Garlock		X
Victor		X
PACKING:		
Anchor		X

PIPE COVERING:	
Unibestos	X
Kaylo	X
Carey	X
Calsilite	X
Thermasil	X
FLOOR TILES:	
Armstrong	X
JOINT COMPOUND:	
Durabond	X
Georgia-Pacific	X
Gold Bond	X
Triko	X
Paco Quik-Set	X
Synko Triple Duty	X
PLASTIC CEMENT:	
Flintkote	X
CertainTeed	X
FELT:	
Asten	X
CLOTH:	
Asbeston	X
Raybestos	X
BOILERS:	
Babcock & Wilcox	X
Combustion Engineering	X
Cleaver Brooks	X
TURBINES:	
General Electric	X

NAME: RAY HARDIN HOLLINGSWORTH

NICKNAME:

GROUP NAME: JONES. I

WORK HISTORY SHEET

ATTACHMENT "C"

Coworkers:

Bobby Hamilton
Sherman Smith
Bobby Joe Smith
H. Eugene Powell
Lawrence Pierce
Melvin Pierce
Eddie Lee
Harry Woods
Fred Phillips
Bill Dumas
Lee Grandquest

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CLEO JONES, Individually and as Personal Representative of the Heirs and Estate of ISAIAH JONES, JR., Deceased, ET AL.,	§	CIVIL ACTION
Plaintiffs,	§	FILE NO. 98-CF-745
VS.	§	
GEORGIA PACIFIC CORPORATION (successor to BESTWALL GYPSUM COMPANY), ET AL.;	§	
Defendants.	§	

PLAINTIFFS' REPLY IN SUPPORT OF EMERGENCY MOTION FOR REMAND

(Filed April 13, 1998)

Defendant General Motors Corporation ("GM") has filed a lengthy memorandum in opposition to plaintiffs' emergency motion for remand. Plaintiffs tender to the Court this brief reply.

I. PLAINTIFFS NEED NOT PROVE THEIR PRODUCT LIABILITY CLAIMS AGAINST GEORGIA-PACIFIC TO DEFEAT REMOVAL.

In their memorandum in support of their motion for remand, plaintiffs noted that their right to remand

depends not on their current ability to support their allegations against Georgia-Pacific but on whether there is "no possibility" that they will be able to develop evidence to support their claims against that defendant. Plaintiffs' Mem. at 2-3, citing *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997). Plaintiffs pointed out that the Eleventh Circuit has recently noted that the burden for demonstrating a right to remand is "much lighter" than that for opposing a summary judgment, and that the Eleventh Circuit has also pointed out that "the party opposing a motion for summary judgment should be permitted an adequate time to complete discovery prior to consideration of the motion." Plaintiffs' Mem. 3, citing *Crowe*, 113 F.3d at 1541-42; Plaintiffs' Mem. 5, citing *Jones v. City of Columbus, Georgia*, 120 F.3d 248, 253 (11th Cir. 1997).

GM's response completely ignores these principles. Instead, GM essentially repeats the non sequitur asserted in its notice of removal, arguing that plaintiffs, by stating their intent to conduct discovery and further investigation on the issue of product identification, "have effectively admitted that they have no grounds for suing Georgia-Pacific individually." GM Mem. 12. Of course, plaintiffs have admitted no such thing; all they have "effectively admitted" is the difficulty of providing specific product exposure and work history information for workers who were exposed over decades (often ending many years ago) to hundreds, or perhaps even thousands, of products. Their inability to provide product information at this early stage in the litigation does not conceivably provide a basis for a finding that plaintiffs

have "no possibility" of developing this information within a reasonable time through discovery.

GM analogizes its allegation of "fraudulent joinder" in this case with the motion for summary judgment based on inadequate product identification granted by the district court and affirmed by the Eleventh Circuit in *Blackston v. Shook & Fletcher Ins. Co.*, 764 F.2d 1480 (11th Cir. 1985). Of course, as the Eleventh Circuit made crystal clear in *Crowe*, different legal standards govern the disposition of fraudulent joinder and summary judgment claims. *Crowe*, 113 F.3d 1541-42. Moreover, the court in *Blackston* explicitly recognized that "plaintiffs who did not work directly with asbestos, but instead were exposed to it because it was used in proximity to their workplace, face formidable proof problems in their attempts to show causation." *Blackston*, 764 F.2d at 1485. It therefore affirmed summary judgment only after noting that the district court had "provided every opportunity for Blackston to produce such evidence" of exposure to the moving defendant's product. *Id.* at 1484. Neither *Blackston*, nor any other case cited by GM, suggests that plaintiffs may be deprived of the opportunity to develop, through formal discovery, evidence of their exposure to Georgia-Pacific products.

GM nevertheless claims that the Court should find that plaintiffs fraudulently joined Georgia-Pacific because Rule 11 of the Federal Rules of Civil Procedure and the "governing rules" of Georgia procedure "do not allow plaintiffs to bring claims against any defendant without having a reasonable factual basis to support that claim." GM Mem. 9. But neither Rule 11 nor any other rule of procedure requires the plaintiff in an asbestos case to

possess proof of exposure to each defendant's products at the time of filing. Obviously, the plaintiff in *Blackston* did not possess such proof, yet there is nothing in *Blackston* suggesting that the plaintiff was guilty of a Rule 11 violation. Instead, "in view of the length of time between exposure and perceived injury and the migratory nature of much of the employment involving asbestos exposure," (*Blackston*, 764 F.2d at 1486), the rules require only that the plaintiff has a good faith basis to believe that discovery might reveal exposure to each defendant's products. The Rule 11 cases cited by GM are patently distinguishable, and do not support removal in this case. *See Jones v. Int'l Riding Helmets, Ltd.*, 49 F.3d 692 (11th Cir. 1995) (Rule 11 sanctions warranted by counsel's knowledge when he filed complaint that defendant *could not have* manufactured the sole product that injured plaintiff because defendant came into existence after helmet was manufactured); *Albright v. Upjohn Co.*, 788 F.2d 1217 (Rule 11 sanctions warranted because plaintiff's attorney knew that medical records revealed that the products to which the plaintiff was exposed were manufactured by companies other than the moving defendants); *Kendrick v. Funderburk*, 1998 WL 128476 (Ga. Ct. App. Mar. 2, 1998) (recognizing – in language omitted by GM in its quotation from the case – that sanctions are appropriate "where a claim having arguable factual or legal support *is filed in good faith for the purpose of pursuing discovery*, but continued by the attorney after discovery reveals there is no basis for the claim." (emphasis added))

Finally, GM seems to argue that because plaintiffs' answers to GM's discovery requests were allegedly evasive and inadequate, plaintiffs' inability to prove their

allegations of exposure to Georgia-Pacific products must be conclusively presumed. GM Mem. 9, quoting *Atlanta Coca-Cola Bottling Co. v. Transamerica Ins. Co.*, 61 F.R.D. 115, 119 (N.D. Ga. 1972) for the proposition that "[i]ncorporation by reference of the allegations of a pleading is not a responsive and sufficient answer to an interrogatory." The proper course for a party aggrieved by an opponent's failure to respond properly to discovery is to file a motion to compel. If GM desired an early deadline by which plaintiffs must complete all investigation and discovery concerning the products to which plaintiffs were exposed, they were free to seek one from the state court. Removal is an inappropriate "discovery sanction" to impose on plaintiffs – and indirectly on the federal courts – for serving allegedly unresponsive answers to discovery requests.

A trial on the merits, or even a summary judgment proceeding, on plaintiffs' allegations of exposure to Georgia-Pacific products would be premature and inappropriate. GM has failed to carry its heavy burden of establishing that plaintiffs have "no possibility" of establishing exposure to Georgia-Pacific products. The motion for remand should be granted on that basis.

II. PLAINTIFFS HAVE ADEQUATELY ALLEGED A VIABLE CIVIL CONSPIRACY CASE AGAINST GEORGIA-PACIFIC.

As GM admits, under Georgia law a conspiracy is "a combination between two or more persons either to do some act which is a tort or else to do some lawful act by methods which constitute a tort." GM Mem. 13, quoting

Savannah College of Art & Design, Inc. v. School of Visual Arts of Savannah, Inc., 464 S.E.2d 895, 896 (Ga. Ct. App. 1995). The rule is the same in Alabama, *Jones v. BP Oil Co.*, 632 So.2d 435, 439 (Ala. 1993), and in Texas (*Massey v. Armco Steel Co.*, 652 S.W.2d 932, 934 (Tex. 1983)). Unquestionably, the marketing of an unreasonably dangerous product is a tort. And although it is true that the underlying tort in a conspiracy case must be intentional in nature, GM Mem. 13, there is no doubt that a manufacturer can *intend* to market an unreasonably dangerous product. In this case, plaintiffs have alleged that Georgia-Pacific, with other manufacturers, conspired to manufacture and market intentionally defective and unreasonably dangerous products. Complaint, ¶¶ 67-72.

The viability of this conspiracy theory is demonstrated by a recent asbestos case tried by plaintiffs' counsel in Texas. In *Mary Beth "Maisie" Wheat v. Raymark Corp.*, et al., No. 95-12812-D, in the 95th District Court of Dallas County, Texas, the plaintiff sued Raymark for fatal asbestos-related injuries sustained by her husband. The plaintiff was unable to develop evidence that her decedent was exposed to a Raymark product, but alleged that Raymark was nonetheless liable for the death because (1) Raymark had conspired with Johns-Manville to suppress medical and scientific data concerning the hazards of asbestos, (2) Johns-Manville's act of marketing its asbestos products with an "intentional defect" was a tortious overt act in furtherance of the conspiracy, and (3) the decedent's death was proximately caused by Johns-Manville's overt act in furtherance of its conspiracy with Raymark. See Judgment (Amended) in *Mary Beth "Maisie" Wheat v. Raymark Corp.* signed Mar. 3, 1998 (copy attached

hereto as Exhibit "A") at 2-3. The jury found for the plaintiff on this theory, and the trial court entered judgment on the verdict. *Id.* Raymark has since filed for protection under the Bankruptcy Code.

Neither the Georgia nor the Alabama courts have addressed the viability of the type of conspiracy theory upon which the plaintiff prevailed in the *Wheat* case. The very existence of the *Wheat* case, and the legion of other cases which recognize the viability of the theory of civil conspiracy for marketing an asbestos product with an intentional defect, (*see* cases cited in plaintiffs' Memorandum in Support of Motion for Remand at 6-7), simply forecloses the contention that plaintiffs have "no possibility" of recovery on the conspiracy theory alleged in their complaint. *See Lane v. Champion Int'l Corp.*, 827 F. Spp.. 701, 706 (S.D. Ala. 1993) ("If plaintiffs' allegations set forth a good faith claim under state law, no matter how doubtful, the presence of the non-diverse defendant will defeat removal.").

The potential viability of plaintiffs' civil conspiracy claims against Georgia-Pacific is further demonstrated by the Fourth Circuit's decision in *Central Wesleyan College v. W.R. Grace & Co.*, 6 F.3d 177 (4th Cir. 1993). In that case, the plaintiff college sought to serve as a representative plaintiff in a property damage class action brought by colleges and universities against suppliers of asbestos products. 6 F.3d at 183. The defendants claimed that the college did not meet the prerequisites for serving as a representative plaintiff, because the evidence indicated that the products of only one manufacturer, which had filed for bankruptcy, were used in its buildings. *Id.* & n.1. The district court, and the Fourth Circuit on appeal,

rejected the defendants' objection, in part because the college's allegation that the defendants "cooperated and assisted each other in the suppression and active concealment and misrepresentation of the relationship between asbestos and various diseases as early as the 1930's," *id.* at 187, stated "non-frivolous conspiracy claims that gave [the college] standing against all members of the asbestos industry." *Id.* at 183. Georgia-Pacific is identified as a defendant in that case. *Id.* at 178-79.

GM asserts that plaintiffs' allegations of conspiracy against Georgia-Pacific are ineffectual because plaintiffs did not plead any acts of fraud with specificity as required by both Rule 9(b) of the Federal Rules of Civil Procedure and its Georgia analog. Contrary to GM's assumption, however, fraud is not a necessary component of plaintiffs' civil conspiracy claim. Rather, as plaintiffs explain above, the conspiracy as alleged in plaintiffs' complaint was to suppress knowledge of the hazards of asbestos from the consuming public (for the purpose of maximizing profits from the sale of asbestos products), and the tortious acts undertaken by the conspirators was to market *intentionally* defective products (i.e., products without adequate warnings). These allegations are unquestionably actionable without proof of fraud and, under the literal language of the federal and Georgia rules, need not be pleaded with specificity.

GM's emphasis on the failure of plaintiffs to provide details of "all statements or omissions of Georgia-Pacific Corporation (including precise time, place and content) claimed to have harmed [plaintiff]" (GM Mem. 19) only highlights its misunderstanding of plaintiffs' conspiracy theory. Plaintiffs' claim here is not that the defendants

affirmatively made fraudulent statements, but that they wrongfully *suppressed* information regarding the hazards of asbestos. Rule 9(b) and its Georgia analog do not, and cannot require plaintiffs to allege the circumstances of these "non-statements" with particularity.[1]

Finally, plaintiffs would alert the court to information that they have recently obtained indicating that Georgia-Pacific Corporation was indeed engaged in a conspiracy to suppress the hazards of asbestos from the general public, and that plaintiffs were injured as a result of the conspiracy.[2]

As plaintiffs pointed out in their initial memorandum in support of remand, Georgia-Pacific Corporation manufactured asbestos-containing wallboard and gypsum

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[1] Because plaintiffs' conspiracy theory is based not on defendants' statements but on their "non-statements," the only facts that plaintiffs could conceivably plead relate to defendants' conduct *within* the conspiracy. It is obvious that, contrary to GM's assertion, these facts would *not* be "uniquely known to plaintiffs prior to filing the complaint" (GM's Mem. 19); therefore, they cannot be required to plead them with particularity.

[2] GM asserts that the Court should disregard any additional material that plaintiffs provide to the Court to rebut GM's claim that plaintiffs fraudulently joined Georgia-Pacific, because plaintiffs did not provide the material to GM in response to the state court discovery requests. GM Mem. 20. Contrary to GM's assumption, however, the record is not closed; plaintiffs are entitled to provide information to the Court establishing the viability of their claims. *Crowe*, 113 F.3d at 1538. And even if plaintiffs' failure to provide this information to GM upon its initial request was improper, which plaintiffs deny, GM cites no case holding that the consequence of such a discovery violation is automatic federal jurisdiction.

products, and, along with other manufacturers of asbestos products, was a member of the Gypsum Association since the mid-1960's. Minutes of the Gypsum Association confirm that the members of the Association were aware of the relationship between asbestos and lung cancer as early as 1967, and worried that related pollution problems might have "a dramatic effect on all industries." Minutes of the Safety Committee Meeting of the Gypsum Association, September 19, 1967 (Ex. "B" to this Reply). In 1973, representatives of the Gypsum Association attempted, without success, to convince OSHA representatives to relieve manufacturers of asbestos-containing joint compound from the requirements of placing warning labels on their products and monitoring the job sites where joint compound products were used. Report of Special Task Force on Joint Treatment Compound, November, 1973 (Ex. "C"). In November of 1973, the Gypsum Association conducted a study "to determine the concentrations of airborne asbestos to which workers were exposed during mixing and sanding of joint cement compounds and to interpret the results in terms of potential health hazards with particular reference to regulations promulgated" under OSHA. Evaluation of Exposure to Asbestos During Mixing and Sanding of Joint Compounds, Gypsum Association, November 19, 1973 (Ex. "D" to this Reply), at 1. The study concluded, inter alia, that "[i]t is clear that persons engaged in the mixing and sanding of joint compounds similar to those used during this test would be exposed to concentrations of airborne asbestos in excess of two fibres per cubic centimeter during the entire course of their work," which was the proposed acceptable limit to become effective July 1,

1976. *Id.* at 6. Nevertheless, in August of 1976, members of the Association suggested preparing a "position paper" showing that "to the best of our information, there is no carcinogenetic relationship with gypsum," and advising that the industry should establish a position that any blanket mineral fiber standard is totally out of order." Special Meeting, Manufacturing and Mining Committee, August 10, 1976 (Ex. "E"). These facts establish at least a "possibility" that Georgia-Pacific conspired with other manufacturers to suppress from the public information concerning the hazards of asbestos, and that the conspiracy caused injury to the plaintiffs.

Georgia-Pacific has already been found to have conspired with other members of the Gypsum Association. In the early 1970's, Georgia-Pacific, along with three other companies, was convicted of having "engaged in a nationwide conspiracy to fix the prices, the terms and conditions of sale, and the method of handling gypsum board products." *United States v. United States Gypsum Co.*, 600 F.2d 414, 416 (3d Cir. 1979), *cert. denied*, 444 U.S. 884 (1979). It is certainly reasonable to expect that these same companies conspired to promote the sale of their asbestos-containing products by concealing the hazards of such products from the public. Further discovery may or may not reveal such information, but for purposes of deciding the motion for remand, all that is important is that defendants have not shown there is "no possibility" that plaintiffs can recover from Georgia-Pacific under their conspiracy theory.

III. THE *LYONS* OPINION DOES NOT SUPPORT REMOVAL IN THIS CASE.

GM relies heavily on the recent decision of this Court in *Lyons v. Brown & Williamson Tobacco Corp.*, Civil Action No. 97-CV-1850-CC (N.D. Ga. Mar. 23, 1998), but the case is clearly distinguishable. *Lyons* was a class action on behalf of all Georgia residents who are cigarette smokers or survivors of cigarette smokers against the tobacco industry. In addition to the cigarette manufacturers and their trade associations, the plaintiffs also sued an individual who was a former tobacco executive and three local distributor defendants. The individual and distributor defendants were the only Georgia residents named in the complaint. The district court found that the plaintiffs had fraudulently joined the Georgia residents because "the distribution Defendants have nothing to do with the manufacture or advertising of cigarettes, or the concealment of the products' allegedly hazardous effects" and because the plaintiffs' "general allegations of fraud and RICO violations" against the individual tobacco executive "are wholly insufficient to satisfy the pleading requirements of either the federal (or Georgia) rules or the RICO statute, not to mention the obvious statute of limitations problems that arise when a corporate officer is sued over eight years after he held the position at issue." *Lyons*, slip op. at 7-8.

In contrast, Georgia-Pacific is an undisputed member of the asbestos industry and is alleged to be liable to plaintiffs for precisely the same reasons that all the other defendants are alleged to be liable. The only alleged problem with plaintiffs' joinder of Georgia-Pacific is that plaintiffs have not yet proved that Georgia-Pacific is

actually liable for their injuries. This is an insufficient basis upon which to find fraudulent joinder.

CONCLUSION

For the foregoing reasons, and for the reasons stated in plaintiffs' motion for remand and supporting memorandum, plaintiffs respectfully urge the Court to remand this case to the Superior Court for Fulton County, Georgia, and to award such fees and costs as it deems just.

Respectfully submitted,

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Kenneth S. Canfield
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Attorneys for Plaintiffs

NO. 95-12812-D

MARY BETH "MAISIE" WHEAT, Individually and as Personal Representative of the Heirs and Estate of SAMUEL JOE WHEAT, Deceased, ET AL.;	§	IN THE DISTRICT COURT
Plaintiffs,	§	DALLAS
VS.	§	COUNTY, TEXAS
RAYMARK CORPORATION (as successor to ASBESTOS LITIGATION MANAGEMENT CORPORATION); and RAYMARK INDUSTRIES (as successor to RAYMARK FRICTION COMPANY, INC. and UNIVERSAL FRICTION COMPOSITES), ET AL.;	§	95TH JUDICIAL DISTRICT
Defendants.	§	

JUDGMENT (AMENDED)

CAME ON FOR TRIAL BY JURY the claims of Plaintiffs MARY BETH "MAISIE" WHEAT, Individually and as Personal Representative of the Heirs and Estate of SAMUEL JOE WHEAT, Deceased, and KENNETH WHEAT, TAMARA MOORE, TARA MARTZ, and NINA MAE WHEAT, Individually as Heirs and Beneficiaries of SAMUEL JOE WHEAT, against Defendants Raymark Corporation and Raymark Industries, who all appeared in person and by attorney of record and announced ready for trial. All matters of fact and things in controversy were submitted, and a jury having been previously demanded, a jury

consisting of twelve good and lawful jurors was duly empaneled, and the case proceeded to trial.

The claims of WILLIAM LUTHER DOUGLAS, LAURA JO HERRIDGE, ROBERT EARL STEEL, EFFIE JEAN EURINE, Individually and as Personal Representative of the Heirs and Estate of ANTHONY RAY EURINE, Deceased and MATTIE CHARLENE ALLEN did not proceed to trial, as the claims of these Plaintiffs against all Defendants were settled and dismissed prior to trial. At the conclusion of the evidence, in the first phase of this bifurcated trial, the Court submitted the case to the jury on special issues. The jury deliberated and announced its verdict to the Court on February 19, 1998, as follows:

1. Do you find SAM WHEAT sustained an asbestos-related injury or disease that caused his death?

   Answer "YES" or "NO".

YES	NO
X	_

   If you have answered Question No. 1 "YES," answer Question No. 2; otherwise, do not answer Question No. 2.

2. Was there an intentional defect in Johns-Manville's marketing of an asbestos-containing product at the time the product left the possession of Johns-Manville that was a proximate cause of the death of SAM WHEAT?

   A "defect in the marketing" with respect to the product means the failure to give adequate warnings of the product's dangers

that were known or by the application of reasonably developed human skill and foresight should have been known or failure to give adequate instructions to avoid such dangers, which failure rendered the product unreasonably dangerous as marketed.

"Adequate" warnings and instruction mean warnings and instructions given in a form that could reasonably be expected to catch the attention of a reasonably prudent person in the circumstances of the product's use; and the content of the warnings and instructions must be comprehensible to the average user and must convey a fair indication of the nature and extent of the danger and how to avoid it to the mind of a reasonably prudent person.

An "unreasonably dangerous" product is one that is dangerous to an extent beyond that which would be contemplated by the ordinary user of the product with the ordinary knowledge common to the community as to the product's characteristics.

Answer "YES" or "NO".

YES	NO
X	_

(If you have answered Question No. 2 "YES," then answer Question No. 3; otherwise, do not answer Question No. 3.)

3. Do you find that Raymark part of a conspiracy with Johns-Manville to suppress medical and scientific data concerning the hazards of asbestos?

"Conspiracy" is defined as a combination by two or more persons to accomplish an unlawful purpose or to accomplish a lawful purpose by unlawful means.

The elements of a conspiracy are: 1) two or more persons; 2) an object to be accomplished; 3) a meeting of minds on the object or course of action; 4) one or more unlawful overt acts, and 5) damages as the proximate result. "Unlawful" means violative of either criminal or civil law. Marketing an unreasonably dangerous product can be an unlawful act.

Answer "YES" or "NO".

YES	NO
X	_

(If you have answered Question No. 3 "YES," then answer Question No. 4; otherwise, do not answer Question No. 4.)

4. Was Johns-Manville's marketing of defective asbestos-containing products an overt act in furtherance of the conspiracy described in Question No. 3?

Answer "YES" or "NO".

YES	NO
X	_

(If you have answered Question No. 4 "YES," then answer Question No. 5; otherwise, do not answer Question No. 5.)

5. What sum of money would have fairly and reasonably compensated SAM WHEAT for –

Pain and Mental anguish.

"Pain and mental anguish" means the conscious physical pain and emotional pain, torment, and suffering experienced by SAM WHEAT before his death as a result of his asbestos-related injuries.

Answer in dollars and cents for damages, if any.

Amount $1,500,000

(If you have answered Question No. 4 "YES," then answer Question No. 6; otherwise, do not answer Question No. 6.)

6. What sum of money, if paid now in cash, would fairly and reasonably compensate MARY BETH "MAISIE" WHEAT, KENNETH WHEAT, TAMARA MOORE, TARA MARTZ, and NINA MAE WHEAT for their injuries, if any, that resulted from the death of SAM WHEAT?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find.

a. *Loss of companionship and society.*

"Loss of companionship and society" means the loss of the positive benefits flowing from the love, comfort, companionship, and society that the Plaintiffs would, in reasonable probability, have received from SAM WHEAT had he lived.

b. *Mental anguish.*

"Mental anguish" means the emotional pain, torment, and suffering experienced by the Plaintiffs because of the death of SAM WHEAT.

In determining damages for elements a and b, you may consider the relationship between each of the Plaintiffs listed below and SAM WHEAT, their living arrangements, any extended absences from one another, the harmony of their family relations, and their common interests and activities. You are reminded that elements a and b, like other elements of damages, are separate, and, in awarding damages for one element, you shall not include damages for the other.

Answer, with respect to the elements listed above, in dollars and cents for damages, if any, that –

MARY BETH "MAISIE" WHEAT

sustained in the past;	Answer $ 750,000
in reasonable probability will be sustained in the future.	Answer $ 750,000

KENNETH WHEAT

sustained in the past;	Answer $ 200,000

in reasonable probability will be sustained in the future.

Answer
$ 50,000

TAMARA MOORE

sustained in the past;

Answer
$ 200,000

in reasonable probability will be sustained in the future.

Answer
$ 50,000

TARA MARTZ

sustained in the past;

Answer
$ 200,000

in reasonable probability will be sustained in the future.

Answer
$ 50,000

(If you have answered Question No. 4 "YES," answer Question No. 7; otherwise, do not answer Question No. 7.)

7. Do you find by clear and convincing evidence that the death of SAM WHEAT resulted from malice on the part of Raymark?

"Clear and convincing evidence" means the measure or degree of proof that produces a firm belief or conviction of the truth of the allegations sought to be established.

"Malice" means

(a) a specific intent by the Defendant to cause substantial injury to the Plaintiff; or

(b) an act or omission by the Defendant,

(i) which, when viewed objectively from the standpoint of the Defendant at the time of its occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others; and

(ii) of which the Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others.

Answer "YES" or "NO".

YES	NO
X	—

The jury having found by clear and convincing evidence that the death of Sam Wheat resulted from malice on the part of Raymark, the Court proceeded to the second phase of the trial concerning punitive damages. At the conclusion of the evidence of the second phase, the Court submitted the case to the jury on special issues. The jury deliberated and announced its verdict to the Court on February 20, 1998, as follows:

1. What sum of money, if any, should be assessed against Raymark and awarded to

Plaintiffs as exemplary damages for the death of SAM WHEAT.

"Exemplary damages" means any damages awarded as a penalty or by way of punishment.

Exemplary damages includes punitive damages.

Factors to consider in awarding exemplary damages, if any, are:

a. The nature of the wrong.

b. The character of the conduct involved.

c. The degree of culpability of the wrongdoer.

d. The situation and sensibilities of the parties concerned.

e. The extent to which such conduct offends a public sense of justice and propriety.

f. The net worth of Raymark.

Answer in dollars and cents, if any.

Amount $ 500,000

(If, in your answer to Question No. 1, you have entered any amount of exemplary damages, then answer Question No. 2; otherwise, do not answer Question No. 2.)

2. How do you apportion the exemplary damages between MARY BETH "MAISIE" WHEAT, TARA MARTZ, TAMARA MOORE, and KENNETH WHEAT?

Answer by stating a percentage for each person named below. The percentages you find must total 100 percent.

MARY BETH "MAISIE" WHEAT	100 %
TARA MARTZ	0 %
TAMARA MOORE	0 %
KENNETH WHEAT	0 %
TOTAL:	100 %

Plaintiffs thereafter represented to the Court the following amounts as settlements with other Defendants sued in the action:

CENTER FOR CLAIMS RESOLUTION	$200,000.00
A.P. Green Refractories	
Armstrong World Industries	
CertainTeed Corporation	
Dana Corporation	
Flexitallic Gasket Company, Inc.	
GAF Corporation	
Gasket Holding, Inc.	
National Gypsum Company	
Quigley Company, Inc.	
T&N	
United States Gypsum Company	
ACandS	10,000.00
ANCHOR PACKING	500.00
BABCOCK & WILCOX	160,000.00
COMBUSTION ENGINEERING	15,000.00
CROWN CORK & SEAL	7,500.00
M.H. DETRICK	325.87

FIBREBOARD CORPORATION (cash)	24,500.00
FIBREBOARD CORPORATION (note)	24,500.00
FLINTKOTE	2,500.00
GARLOCK	7,500.00
GENERAL REFRACTORIES	12,000.00
GEORGIA-PACIFIC	15,000.00
INDRESCO	15,000.00
KAISER ALUMINUM & CHEMICAL	7,500.00
KELLY-MOORE	93,000.00
JOHNS-MANVILLE (cash)	20,000.00
METROPOLITAN LIFE	1,900.00
OWENS-CORNING FIBERGLAS	100,000.00
OWENS-ILLINOIS	45,000.00
PITTSBURGH CORNING	110,000.00
PROKO	5,950.00
RAPID-AMERICAN	175,000.00
SYNKOLOID	175,000.00
UNARCO	5,912.00
UNIROYAL HOLDING	6,000.00
U.S. MINERAL PRODUCTS CO.	15,000.00
W.R. GRACE & CO.	140,000.00
TOTAL	1,394,587.87

Plaintiffs also submitted for the Court's consideration their offset and pre-judgment interest calculations apportioned among the Estate of Sam Wheat and the Plaintiffs/Beneficiaries, as follows:

	40% Estate of Sam Wheat	40% Mary B. Wheat	Kenneth Wheat	Ea. gets 1/3 of 20% Tamara Moore	Tara Martz	Total
Verdict. Comp.	1,500, 000.00	1,500,000.00	250,000.00	250,000.00	250,000.00	3,750,000.00
Offsets	(557,835.15)	(557,835.15)	(92,972.53)	(92,972.53)	(92,972.53)	1,394,587.88
Net Comp. Jdgmt	942,164.85	942,164.85	157,027.47	157,027.47	157,027.47	2,355,412.12
Verdict – punitive		500,000.00				500,000.00
Net damages b/f interest	942,164.85	1,442,164.85	157,027.47	157,027.47	157,027.47	2,855,412.12
Pre-jdgmt int.	186,626.08	186,626.08	31,104.35	31,104.35	31,104.35	466,565.21
Total jdgmt + pre-jdgmt interest	1,128,790.93	1,628,790.93	188,131.82	188,131.82	188,131.82	3,321,977.33

Accordingly, based on the verdict of the jury as recited herein, the Court's rulings during trial, the applicable law, and taking into account the prior settlements received by Plaintiffs listed herein, as well as offset calculations, it is

ORDERED, ADJUDGED, and DECREED:

1. That Plaintiff MARY BETH "MAISIE" WHEAT, as Personal Representative of the Heirs and Estate of SAMUEL JOE WHEAT, Deceased, shall have and recover from Defendants Raymark Corporation and Raymark Industries compensatory damages in the amount of $942,164.85.

2. That Plaintiff MARY BETH "MAISIE" WHEAT, Individually, shall have and recover from Defendants Raymark Corporation and Raymark Industries, compensatory damages in the amount of $942,164.85.

3. That Plaintiff KENNETH WHEAT, Individually, shall have and recover from Defendants Raymark Corporation and Raymark Industries, compensatory damages in the amount of $157,027.47.

4. That Plaintiff TAMARA MOORE, Individually, shall have and recover from Defendants Raymark Corporation and Raymark Industries, compensatory damages in the amount of $157,027.47.

5. That Plaintiff TARA MARTZ, Individually, shall have and recover from Defendants Raymark Corporation and Raymark Industries, compensatory damages in the amount of

$157,027.47.

6. That Plaintiff MARY BETH "MAISIE" WHEAT, Individually, shall have and recover from Defendants Raymark Corporation and Raymark Industries, punitive damages in the amount of $500,000.00.

7. That Plaintiff NINA MAE WHEAT, Individually, shall take nothing on her claims against Defendants Raymark Corporation and Raymark Industries.

8. That pursuant to Tex.R.Civ.Stat.Ann. Art. 5069-1E.101, *et seq.*, (formerly Art. 5069-1.05 § 6), Plaintiff MARY BETH "MAISIE" WHEAT, as Personal Representative of the Heirs and Estate of SAMUEL JOE WHEAT, Deceased, shall recover prejudgment interest at the rate of 10% per annum from March 6, 1996, the date the suit was filed, until the date before this judgment was signed, in the amount of $186,626.08.

9. That pursuant to Tex.R.Civ.Stat.Ann. Art. 5069-1E.101, *et seq.*, (formerly Art. 5069-1.05 § 6), Plaintiff, MARY BETH "MAISIE" WHEAT, Individually, shall recover prejudgment interest at the rate of 10% per annum from March 6, 1996, the date the suit was filed, until the date before this judgment was signed, in the amount of $186,626.08.

10. That pursuant to Tex.R.Civ.Stat.Ann. Art. 5069-1E.101, *et seq.*, (formerly Art. 5069-1.05 § 6), Plaintiff, KENNETH WHEAT, Individually, shall recover prejudgment interest at the rate of 10% per annum from March 6, 1996, the date the suit was filed, until the date before this judgment was signed, in the amount of $31,104.35.

11. That pursuant to Tex.R.Civ.Stat.Ann. Art. 5069-1E.101, *et seq.*, (formerly Art. 5069-1.05 § 6), Plaintiff,

TAMARA MOORE, Individually, shall recover prejudgment interest at the rate of 10% per annum from March 6, 1996, the date the suit was filed, until the date before this judgment was signed, in the amount of $31,104.35.

12. That pursuant to Tex.R.Civ.Stat Ann. Art. 5069-1E.101, *et seq.*, (formerly Art. 5069-1.05 § 6), Plaintiff, TARA MARTZ, Individually, shall recover prejudgment interest at the rate of 10% per annum from March 6, 1996, the date the suit was filed, until the date before this judgment was signed, in the amount of $31,104.35.

13. That postjudgment interest on the amounts owed by Defendants to Plaintiffs shall accrue at the rate of TEN PERCENT (10%) per annum, compounded annually, from the date the judgment is signed until it is satisfied pursuant to Tex.Rev.Civ.Stat.Ann. Art. 5.069-1E.001-5069-1E.006 (formerly Art. 5069-1.05 §§ 2 and 3).

14. That Plaintiffs' claims against all other Defendants in this action have been settled and Dismissed.

15. Costs of this suit shall be taxed against each party as incurred by them.

16. All other relief not expressly granted herein is hereby denied.

LET EXECUTION LIE IF NOT TIMELY PAID.

SIGNED this 3 day of March, 1998.

/s/ Sally T. Montgomery
THE HONORABLE
JUDGE SALLY MONTGOMERY
AGREED AS TO FORM:

DEFENDANT:

RAYMARK CORPORATION &
RAYMARK INDUSTRIES

* /s/ Mike Maddox
Mike Maddox
William Skepnek
SKEPNEK & MADDOX
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PLAINTIFFS:

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Lisa Blue
Brent M. Rosenthal
Lisa Kivett
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Phone No: 214-521-3605
Fax No: 214-550-1181

* objects to punitive damages

MINUTES OF THE SAFETY COMMITTEE MEETING MARRIOTT MOTOR HOTEL SADDLE BROOK, NEW JERSEY

SEPTEMBER 19, 1967

Mr. F.H. Zimmerman, Chairman of the Gypsum Association Safety Committee, called the meeting to order at the Marriott Motor Hotel, Saddle Brook, New Jersey, at 8:30 a.m. Those in attendance were:

C. J. Saturnia	Celotex Corporation
M. F. Fink	Georgia-Pacific Corporation Gypsum Division
J. Gregg	Kaiser Gypsum Company, Inc.
R. W. Henly	The Flintkote Company
J. Tuffy	The Flintkote Company
T. D. Tolin	National Gypsum Company
F. H. Zimmerman	National Gypsum Company
P. Kipp	United States Gypsum Company
A. V. Abnee, Jr.	Gypsum Association
F. J. Rogers	Gypsum Association

1. GYPSUM ASSOCIATION SAFETY BULLETIN

A. The chairman requested that the secretary relate the member company response for safety articles to be used in the Bulletin. Following a brief discussion by the

committee, it was their recommendation that each member company stimulate employee participation by urging the plant employees to write and submit safety articles to the Association.

B. The committee reviewed the Bulletin format and it was the consensus that it was satisfactory in its present form. One member suggested that a possible change be considered when the next Bulletin mast head is printed. The secretary indicated that present Bulletin stock supply would be depleted at the end of the fiscal year, and at that time, committee suggestions would be solicited.

The committee requested that the secretary construct a chart showing the industry frequency rating over the past four years, as related to the all industry frequency rating reported by the National Safety Council, and print this chart in the Safety Bulletin. The secretary indicated that such a chart was already being considered for the October issue.

The committee directed that this item be carried on the docket.

2. "CERTIFICATE OF MERIT" AWARD

The secretary submitted a "Certificate of Merit" award plaque for committee investigation. He informed the committee that the award cost the Association $20.00 to purchase and mail, and requested that they might consider adopting an award that might have greater utility for the winner, such as an ash tray or pen set. the committee, after much discussion, directed the secretary

to obtain a less costly certificate and also purchase an ash tray for the award winners.

Following a thorough review of the last three editions of the Safety Bulletin, the committee selected one article by ballot. The article "Did You Bet Your Life?" by Val Robertson, Assistant Production Superintendent, The Flintkote Company, Blue Diamond Gypsum Division, Fremont, California (August 1967) won the award. Mr. Robertson will receive a certificate and inscribed ash tray for his contribution to safety.

3. AIR AND STREAM POLLUTION

The chairman cited a few pollution problems involving plants on a local level. He stressed the importance of all committee members keeping abreast with local, state, and federal pollution programs.

One member noted a recent problem involving the asbestos industry where a number of lung carcinoma cases had been reported by inhabitants of the neighborhood surrounding an asbestos plant. It was further noted that clinical tests and investigations had resulted in legal action against the manufacturer by the claimants.

The chairman indicated that air and water pollution problems would have a dramatic effect on all industries and that the committee should take the initiative to meet any such problems head on if they should occur in the gypsum industry.

Following a discussion of pollution problems in various industries, it was the consensus that the safety committee should have a more active program in this area,

outlining the problems that exist and what steps have been taken to solve them.

On a motion seconded and carried, the committee recommended that the chairman advise the directors of the pollution problem, and suggest that they have plant managers join local groups studying pollution problems, so as to give our industry greater control of the problems.

The committee directed that this subject be carried on the docket.

REPORT OF SPECIAL TASK FORCE ON JOINT TREATMENT COMPOUND

This is the first report on the proceedings and status of the work being done by the Special Committee on Asbestos in Joint Compound. As you will recall, a recommendation was made to the Gypsum Association that it involve itself in the assessment of release of asbestos fibers during the use of the joint treatment products by the customer. This recommendation was based on the stringent regulations of the Occupational Safety and Health Act. At the annual meeting, all committees and the Board supported a basic program and funds were appropriated to conduct a field test program to determine what level of asbestos fibers are released in mixing and sanding operations when using joint compound products. It was further stipulated that an independent laboratory would serve to monitor this type of program in order to minimize cost due to duplicate individual efforts by the membership.

In May of this year, representatives from the Gypsum Association met with OSHA representatives in Washington to discuss regulations pertaining to asbestos. The two purposes for this meeting were (1) a hope to obtain an interpretation of the law which would preclude the need for placing labels on containers of joint compound if the asbestos fiber environment generated during its normal use would not exceed the OSHA limits, and (2) a variance from the regulations which would eliminate the need for the contractor to provide monitoring at each job site. Although OSHA was impressed with our interest in our consumers use of the product, they verbally denied any general relief from either the labeling or the monitoring requirement.

Subsequent to the meeting with OSHA, a special Association committee was formed from member designates who were skilled in air sampling techniques and evaluations. This committee formulated a test program and selected George D. Clayton and Associates as the independent laboratory to do the monitoring for the test. The actual test work was conducted by Gardineer Drywall Company, Aurora, Colorado, and they provided excellent cooperation in order that the monitoring of dust and asbestos fibers could be evaluated.

Ten dry powder and ready mix topping grade joint compounds from five manufacturers were delivered tc the site by the Association members. Containers were unmarked except for a code number assigned by the Association's confidential depository. Ten test houses, in close proximity to each other and of relatively comparable size were designated for the test program. One

product was assigned for each house for the mixing and sanding procedures.

The mixing tests required about 15 minutes per product and the sanding required an average of one hour per house; sanding was accomplished in a manner typical of flat work.

Although a final report has not been submitted by Clayton, there was a special committee meeting held October 3 and a discussion of preliminary results indicated that there might be some area of inconsistency or incompletion of data obtained from this test program. The Committee recommends that certain portions of this program be redone to assure the Association that results which are to be published in the final report are accurate, complete and consistent.

The phase II program has already been established and the Committee is ready to proceed. It is estimated that this phase will cost no more than $2,000 and it is requested that the Board of Directors approve such expenditures. If funds are appropriated, Phase II can complete their work and submit a comprehensive report of findings and recommendations by the end of January 1974. It is not possible as of now to predict if additional testing will be required after Phase II.

Respectfully submitted,

/s/ J. Volk
Joseph Volk, Chairman
Special Committee on
Joint Compounds

November 1973

EVALUATION OF EXPOSURE TO ASBESTOS DURING MIXING AND SANDING OF JOINT COMPOUNDS

GYPSUM 'ASSOCIATION
Denver, Colorado

November 19, 1973

INTRODUCTION

The Gypsum Association retained George D. Clayton and Associates to conduct an industrial hygiene survey at a test site located in Denver, Colorado. The purpose of the survey was to determine the concentrations of airborne asbestos to which workers were exposed during mixing and sanding of joint cement compounds and to interpret the results in terms of potential health hazards with particular reference to regulations promulgated under authority of the Occupational Safety and Health Act of 1970. This study was conducted on November 19, 1973 by Mr. Robert D. Soule of Clayton and Associates. Results of that study are reported herein.

BACKGROUND

The Gypsum Association, located at 1603 Orrington Avenue in Evanston, Illinois is a trade association which represents ten to fifteen industrial companies which are engaged in the manufacture of products incorporating gypsum or gymsum-like materials. As with most industrial concerns, the activities of the Gypsum Association have become more broad with the passage and implementation of federal regulations such as the Metal and Non-Metallic Mine Safety Act and the Occupational Safety and Health Act. Technical committees composed of

personnel from companies comprising the Gypsum Association have been established with particular interest in the occupational safety and health field. Of particular concern in this respect was the potential hazard associated with exposure of workers to airborne asbestos during mixing and sanding of compounds used to seal cracks and joints formed during installation of wallboard material. Although the specific formulations used by the various companies manufacturing and supplying the joint compound vary, it is understood that essentially all of them incorporate asbestos in the product whether as a dry compound or a ready-mix product.

In order to evaluate the exposure of workers to asbestos during handling and use of the joint compound products, the Gypsum Association decided to undertake a test program during which several products would be mixed and sanded. George D. Clayton and Associates was retained to collect and analyze samples which would represent the exposure of workers engaged in the study. The tests were performed on November 19, 1973 in a development of townhouses known as King's Mill Townhouses, which were under construction in a suburban area north of Denver, Colorado.

POTENTIAL HEALTH HAZARD ASSOCIATED WITH EXPOSURE TO ASBESTOS

Asbestos is a generic term referring to various mineral silicates. The types used most widely in industrial applications include chrysotile, or "white asbestos" (a hydrated magnesium silicate), amosite, or "grey asbestos" (an iron magnesium silicate), crocidolite, or

"blue asbestos" (a sodium iron silicate), tremolite (a calcium magnesium silicate), and anthophyllite (another iron magnesium silicate). Of these, chrysotile accounts for over 90 percent of the total usage of asbestos in this country, with amosite and crocidolite being the only other types used to any significant extent.

Asbestos exists naturally in bundles of extremely fine fibers which can be subdivided easily into many smaller fibers. The potential health hazard associated with exposure to asbestos is that of inhalation of airborne fibers resulting in a type of pneumoconiosis referred to as "asbestosis." Small asbestos fibers can pass readily through the upper respiratory tract and be deposited in the terminal bronchioles of the lung. There, they produce a local irritation which the body attempts to overcome by initiating a tissue response resulting in the encapsulation of the fibers and consequent formation of "asbestos bodies." If sufficient quantities of fibers are inhaled over an extended period of time, a generalized diffuse peribronchiolar fibrosis can develop. This pulmonary fibrosis can impair the transfer of oxygen across the aveolar membranes and result in respiratory insufficiencies, or even cardia failure. It has been determined, through toxicological and epidemiological studies, that long fibers, 20 to 50 micrometers in length, are most active in the production of the fibrosis. Fibers shorter than about two micrometers in length, are practically without an irritating effect. There is some evidence that other minerals having fibrous characteristics can produce similar reactions.

Many recent studies have indicated an association between exposure to asbestos in both industrial and

urban atmospheres and an increase in a relatively rare type of lung cancer known as mesothelioma. Although it has not been possible to establish a connection with asbestos in all cases of this disease, there is a strong correlation between exposure to crocidolite and occurrence of mesotheliomas. Other types of asbestos have been implicated to a much lesser extent. However, this "new hazard" has received much public attention because it has been suggested that very minimal, non-occupational exposure can be sufficient to produce the disease in some individuals.

For many years the American Conference of Governmental Industrial Hygienists has recommended a threshold limit value (TLV) of five million particles per cubic foot of air (mppcf) for all types of asbestos-bearing dusts containing less than one percent crystalline silica. The threshold limit value is defined as the concentration of an airborne contaminant to which it is believed that nearly all workers can be exposed for continuous and repeated work days without experiencing adverse effects. The TLV of five mppcf was based on the impinger sampling technique which was selected as the standard method in the early epidemiological studies of occupational exposure to asbestos. With this method, air is drawn through an impinger containing water and the total particles (both grains and fibers) in an aliquot of the sample, are counted using light-field microscopic techniques.

Within recent years, because of the increasing concern about asbestos in the environment and the resulting need for a more relevant sampling method, the American Conference of Governmental Industrial Hygienists has proposed TLV of five fibers (greater than five micrometers in

length) per cubic centimeter of air. This standard is based on the membrane filter technique with actual microscopic fiber counting at 400-450X magnification using phase contract illumination.

The Occupational Safety and health Administration (OSHA) has established the above concentration (five fibers, greater than five micrometers in length, per cubic centimeter of air) as an emergency standard and have announced that, effective July 1, 1976, the acceptable limit for an eight-hour, time-weighted average exposure will be reduced to two fibers/cc. In addition, OSHA has established the concentration of ten fibers (greater than five micrometers in length) per cubic centimeter of air as an acceptable ceiling concentration. Workers shall not be exposed to concentrations of asbestos in excess of this value, regardless of duration of exposure.

SAMPLING AND ANALYTICAL METHODS

The air sampling conducted to evaluate exposures of workers to asbestos was all of the "breathing zone" type. These samples were collected by drawing air through 37-mm diameter membrane filters (Millipore Type AA) at a rate of about two liters per minute using small, battery-operated pumps (Mine Safety Appliances Company, Model G). The sampling units were worn by the workers engaged in either mixing or sanding the joint compound; the pump was attached to the belt and the sampler head fastened on the outside of the worker's shirt at approximate breathing zone height. Thus, these samples were representative of the time-weighted average conditions to which the men were exposed during the sampling period.

The sampling head consisted of a three piece cassette (Millipore); during sampling the face cap was removed and the filter was used in an "open face" mode with the filter positioned slightly downward so as to minimize dust falling directly onto the filter.

Sampling was conduced for the entire duration of the mixing operations but because of the higher anticipated concentrations associated with sanding of the joint compounds it was decided to change filters approximately every ten minutes. Sampling during the sanding on the various joint compounds was conducted over a total period of sixty minutes. Therefore six consecutive ten-minute samples were obtained for each sanding test. In addition to the ten-minute tests, samples were collected over thirty-minute periods as well, i.e., two consecutive 30-minute samples for each sanding test. After collection of each sample the filter cap was replaced and the cassette, or sampler head, was sealed immediately and prepared for transfer to the analytical laboratory.

The method of counting asbestos fibers was essentially the same as that used by the U.S. Public Health Service for the enumeration of asbestos dust on membrane filters. The description of this method first appeared in an article written by G.H. Edwards and J.R. Lynch and appeared in the *Annals of Occupational Hygiene*, Volume 2, pages 106 (1968).

In summary, the method consisted of the following steps.

> A pie-shaped section of each sample was mounted on a standard microscope slide using a high viscosity solution of membrane filter in a

1:1 mixture of diethyl oxalate and dimethyl phthalate to render the filter transparent. The asbestos fibers which were on the surface of the filter were then counted using a 10X eyepiece and a 40X objective with phase contrast illumination.

A number of fields, selected at random across the sample, sufficient to reveal a minimum of 100 fibers were examined and fibers greater than five micrometers in length were counted. Any particle having an aspect ratio of three or greater was considered to be a fiber. Although it was conceivable that there would be fibers of paper or other materials present on the filters which would have been dislodged from the wallboard during the sanding operation it did not appear that these were of any adverse consequence during the analysis of the samples. Although it is realized that the counting technique is not specific in terms of being able to identify the chemical nature of the fibers present in the sample, all of the fibers observed in these samples appeared to have physical features characteristic of asbestos fibers.

For those samples collected over a thirty-minute period, and which were too heavily loaded to evaluate directly under the microscope, the collected material on the filters was dislodged in a highly purified distilled water bath using an ultrasonic unit (Dynasonic Corporation, Model Go generator and Model T6 tank) and diluted to one liter. An aliquot of the resulting suspension was drawn, passed through a membrane filter (Millipora Type HA) and was then analyzed according to the procedure described above.

PRESENTATION OF RESULTS

A total of four joint compound products were used during this study. These products (two dry mix and two "ready mix") were supplied by two manufacturers whose identities were not known to the investigator. The products were identified by code (2D, 2R, 4D and 4R), a number referring to the supplier and the latter indicating whether the product was a "dry" or "ready-mix" compound.

The results of the sampling program conducted during the mixing of the two dry mix products and sanding tests on all four joint compounds are presented in Tables I through IV. Examination of these data reveals the following:

1. During mixing of Joint Compound 2D, the worker was exposed to a concentration of 31.4 fibers, greater than five micrometers in length, per cubic centimeter of air.

2. The amount of total particulate generated during the sanding operation on Joint Compound 2D was so great that direct analysis of the ten-minute samples was not possible. Analysis of the thirty-minute samples, which were redeposited, indicated an average concentration of 39.4 fibers, greater than five micrometers in length, per cubic centimeter of air.

3. The results of analyzing four of the six ten-minute samples collected during sanding on Joint Compound 2R indicated an average concentration of 4.2 fibers per cubic centimeter; two of the samples were too heavily

loaded to analyze directly. Results of analysis of the two thirty-minute samples collected during the sanding on Joint Compound 2R indicated an average concentration of 11.1 fibers per cubic centimeter, a factor of over 2.5 times as high as the average obtained from analysis of the ten-minute samples.

4. The sample obtained during the mixing of Joint Compound 4D indicated a concentration of 7.6 fibers, greater than five micrometers in length, per cubic centimeter of air.

5. Results of analyzing four of the six ten-minute samples collected during the sanding on Joint Compound 4D indicated an average concentration of 4.4 fibers per cubic centimeter. Analysis of the two thirty-minute samples, which were subjected to the redepositing procedure, indicated an average concentration of 14.8 fibers per cubic centimeter, a factor of 3.4 times as high as results obtained from the ten-minute samples.

6. The results of analysis of five of the six samples obtained during the sanding on Joint Compound 4R indicated an average concentration of 10.8 fibers per cubic centimeter. Results of analysis of the two thirty-minute samples indicated an average concentration of 9.7 fibers per cubic centimeter, a value essentially the same as that obtained from analysis of the ten-minute samples.

7. Six of the thirteen ten-minute samples obtained during sanding on the four joint compounds indicated concentrations in excess of five fibers per cubic centimeter.

Both mixing operations generated asbestos concentrations in excess of five fibers per cubic centimeter.

8. Two of the thirteen ten-minute samples collected during the sanding tests indicated concentrations in excess of ten fibers per cubic centimeter, the acceptable ceiling concentration. One of the two mixing operations generated an asbestos-in-air concentration in excess of ten fibers per cubic centimeter.

9. Of the four products tested, sanding on 2R and 4D resulted in concentrations less than, *but approaching,* the current acceptable limit for continuous exposure of workers, five fibers per cubic centimeter. Product 4R consistently produced very high concentrations of total dust which obscured the asbestos fibers on the samples.

CONCLUSIONS

The following conclusions are presented on the basis of observations and measurements made during the study reported herein.

1. Based on the results of the ten-minute samples, it is apparent that the exposures of workers engaged in mixing and sanding of the various joint compounds used during this test would be to concentrations approaching or exceeding five fibers, greater than five micrometers in length, per cubic centimeter of air.

2. It is clear that persons engaged in the mixing and sanding of joint compounds similar

to those used during this test would be exposed to concentrations of airborne asbestos in excess of two fibers per cubic centimeter during the entire course of their work. This value is the proposed acceptable limit for an eight-hour time-weighted average exposure to asbestos which is scheduled to become effective July 1, 1976.

3. With the exception of the tests conducted during sanding on joint compound 4R the results of analysis of the thirty-minute samples, using the redeposition technique, were consistently higher than those obtained by direct analysis of the ten-minute samples by a factor of 2 1/2 to 3 1/2. Therefore, it appears that use of the redeposition technique would result in the apparent concentrations of asbestos in air being higher than actually present and would therefore err on the "conservative" side.

4. Discounting the results obtained by analysis of the thirty-minute samples, for which the redeposition technique was used, three of the samples collected (mixing of 2D and sanding on 4R) indicated concentrations in excess of ten fibers per cubic centimeter and are therefore a concern as peak exposures. With those exceptions, the problem is one of controlling the time-weighted average exposures of workers to asbestos. In that respect, it must be pointed out that the sampling results reported herein are indicative of the exposures of workers *during the mixing or sanding operations* and not their time-weighted average exposure for a full workday.

RECOMMENDATIONS

1. The results of sampling reported herein should be analyzed in conjunction with a study of the work practices and routine of persons engaged in mixing, sanding or otherwise being exposed to joint compounds similar to those used in this study. In this way a true evaluation of the time-weighted average exposure of such workers to asbestos can be made. If it is true that, as reported by workers used during this test, it would be unlikely for an individual to mix or sand on the joint compounds for greater than two hours per workday, then the time-weighted average exposure of such workers to asbestos likely would be within acceptable limits. Of course, the problem of controlling *any* exposures to below ten fibers per cubic centimeter would still have to be contended with.

2. From the standpoint of being able to eliminate or minimize the problem of excessive concentrations of asbestos being generated by handling and use of the joint compounds, consideration should be given to the following aspects.

    a. The most effective means of eliminating the asbestos problem obviously would be to eliminate asbestos from the joint compound formulations if this is feasible. although the specific role that asbestos plays in the joint compound formulations is not clear it is understood that manufacturers of joint compounds consider it necessary that asbestos be in the formulations.

b. From an engineering standpoint, it may be necessary to implement the following measures in conjunction with mixing and sanding of the joint compounds containing asbestos.

i. Mixing of the joint compounds could be done in such a way that the material is more effectively wetted as it is removed from the containers or could be done within an enclosure, with or without mechanical ventilation, so as to minimize the amount of asbestos fibers released into the breathing zone of the workers.

ii. Although the results of the air sampling reported herein indicate concentrations of asbestos fibers in excess of acceptable limits, either those currently enforced or those proposed to be made effective in July, 1976, it was obvious during the study that the sanding process in general has associated with it exposure of the worker to tremendously high concentrations of total dust. Therefore, if means were implemented to maintain the exposure of the workers to total particulate to within acceptable limits there would be an inherent control of the asbestos problem as well. Although more extensive in nature, engineering control of the total dust generated by the sanding operations is feasible. Such control techniques

would include, but not be limited to, the use of a wet sanding technique and/or use of a portable local exhaust ventilation system incorporating, as the air moving device, a unit similar to common industrial vacuum cleaners and bag collectors.

3. The next phase of the testing program to control workers' exposures to asbestos during use of the joint cement compounds logically would be evaluations of the various potential engineering control concepts indicated or inferred above.

This report prepared by: /s/ Robert D. Soule
Robert D. Soule, P.E.
Vice-President, Industrial Hygiene Services

TABLE I

GEORGE D. CLAYTON & ASSOCIATES
INDUSTRIAL HYGIENE SAMPLING SUMMARY

Client Gypsum Association — Material Asbestos

1973 Date	Sample No.	JOINT COMPOUND 2D Description (a)	Sampling Period Start	Sampling Period Stop	Sample Weight	Sample Volume Liters	Concentration Fibers >5µm/cc		
11/19	2D-M	Mixing of compound (b)	09:28	09:34		13	31.4		
11/19	2D-S-1	Sanding on compound (c)	11:57	12:27		60	35.2**		
11/19	2D-S-2	Sanding on compound (c)	11:57	12:07		-	*		
11/19	2D-S-3	Sanding on compound (c)	12:07	12:17		-	*		
11/19	2D-S-4	Sanding on compound (c)	12:17	12:27		-	*		
11/19	2D-S-5	Sanding on compound (c)	12:27	12:57		60	43.6**		
11/19	2D-S-6	Sanding on compound (c)	12:27	12:37		-	*		
11/19	2D-S-7	Sanding on compound (c)	12:37	12:47		-	*		
11/19	2D-S-8	Sanding on compound (c)	12:47	12:57		-	*		

(a) All samples were obtained in the breathing zone of the workers.
(b) Mixing of Compound 2D was done by Mr. Harold McDowell in King's Mill Townhouse Unit U-81.
(c) Sanding of Compound 2D was done by Mr. James Pasquariello in King's Mill Townhouse Unit U-77. Psychrometric conditions in U-77 at 11:45 were 56°F dry bulb, 41°F wet bulb (22% relative humidity)

* too heavily loaded for direct analysis
** material on filter was taken into suspension and an aliquot redeposited for analysis

TABLE II

GEORGE D. CLAYTON & ASSOCIATES
INDUSTRIAL HYGIENE SAMPLING SUMMARY

Client Gypsum Association Material Asbestos

1973 Date	Sample No.	JOINT COMPOUND 2R Description (a)	Sampling Period Start	Stop	Sample Weight	Sample Volume Liters	Concentration Fibers >5μm/cc		
11/19	2R-S-1	Sanding compound (b)	15:48	16:18		60	12.3**		
11/19	2R-S-2	Sanding compound (b)	15:48	15:58		20	4.5		
11/19	2R-S-3	Sanding compound (b)	15:58	16:08		20	4.2		
11/19	2R-S-4	Sanding compound (b)	16:08	16:18		20	4.1		
11/19	2R-S-5	Sanding compound (b)	16:18	16:48		60	9.9**		
11/19	2R-S-6	Sanding compound (b)	16:18	16:28		20	*		
11/19	2R-S-7	Sanding compound (b)	16:28	16:38		20	3.8		
11/19	2R-S-8	Sanding compound (b)	16:38	16:48		20	*		

(a) All samples were obtained in the breathing zone of the workers.

(b) Sanding of Compound 2R was done by Mr. David Potter in King's Hill Townhouse Unit U-79. Psychrometric conditions in U-79 at 15:45 were 39°F dry bulb, 35°F wet bulb (66% relative humidity).

* too heavily loaded for direct analysis
** material on filter was taken into suspension and an aliquot redeposited for analysis

DEP. EX. NO. 58

TABLE III

GEORGE D. CLAYTON & ASSOCIATES
INDUSTRIAL HYGIENE SAMPLING SUMMARY

lient Gypsum Association Material Asbestos

1973 Date	Sample No.	JOINT COMPOUND 4D Description (a)	Sampling Period Start	Stop	Sample Weight	Sample Volume Liters	Concentration Fibers >5μm/cc		
1/19	4D-M	Mixing compound (b)	09:09	09:17		14.4	7.6		
1/19	4D-S-1	Sanding compound (c)	10:20	10:50		60.0	15.5**		
1/19	4D-S-2	Sanding compound (c)	10:20	10:29		18.0	5.2		
1/19	4D-S-3	Sanding compound (c)	10:29	10:40		22.0	*		
1/19	4D-S-4	Sanding compound (c)	10:40	10:50		20.0	3.7		
1/19	4D-S-5	Sanding compound (c)	10:50	11:00		20.0	4.1		
1/19	4D-S-6	Sanding compound (c)	10:50	11:20		60.0	14.1**		
1/19	4D-S-7	Sanding compound (c)	11:00	11:10		20.0	*		
1/19	4D-S-8	Sanding compound (c)	11:10	11:20		20.0	4.7		

(a) All samples were obtained in the breathing zone of the workers.
(b) Mixing of Compound 4D was done by Mr. Harold McDowell in King's Mill Townhouse Unit U-80.
(c) Sanding of Compound 4D was done by Mr. James Pasquariello in King's Mill Townhouse Unit U-76. Psychrometric conditions (dry and wet bulb temperatures) were not recorded.

DEP. EX. NO. 59

* too heavily loaded for direct analysis
** material on filter was taken into suspension and an aliquot redeposited for analysis

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TABLE IV

GEORGE D. CLAYTON & ASSOCIATES
INDUSTRIAL HYGIENE SAMPLING SUMMARY

Client Gypsum Association Material Asbestos

1973 Date	Sample No.	JOINT COMPOUND 4R Description (a)	Sampling Period Start	Sampling Period Stop	Sample Weight	Sample Volume Liters	Concentration Fibers >5μm/cc		
11/19	4R-S-1	Sanding compound(b)	14:31	15:01		60.0	11.3**		
11/19	4R-S-2	Sanding compound(b)	14:31	14:41		20.0	6.3		
11/19	4R-S-3	Sanding compound(b)	14:41	14:51		20.0	7.5		
11/19	4R-S-4	Sanding compound(b)	14:51	15:01		20.0	19.9		
11/19	4R-S-5	Sanding compound(b)	15:01	15:31		60.0	8.1**		
11/19	4R-S-6	Sanding compound(b)	15:01	15:11		20.0	5.3		
11/19	4R-S-7	Sanding compound(b)	15:11	VOID		-	-		
11/19	4R-S-8	Sanding compound(b)	15:18	15:31		26.0	15.0		

(a) All samples were obtained in the breathing zone of the workers.
(b) Sanding of Compound 4R was done by Mr. David Potter in King's Mill Townhouse Unit U-78. Psychrometric conditions in U-78 at 14:45 were 44°F dry bulb, 38°F wet bulb (68% relative humidity).

** material on filter was taken into suspension and an aliquot redeposited for analysis

DEP. EX. NO. 60

SPECIAL MEETING
MANUFACTURING & MINING COMMITTEE
SHERATON BUFFALO-EAST
BUFFALO, NEW YORK

August 10, 1976

The meeting was called to order at 9:00 a.m. by Mr. W. B. Hoffman, Vice Chairman of the Manufacturing & Mining Committee. Those in attendance were:

E. R. Kiehl	The Celotex Corporation
E. J. Cole	Georgia-Pacific Corporation
C. O. Campbell	National Gypsum Company
A. H. Fay	National Gypsum Company
D. G. Hamme	National Gypsum Company
W. B. Hoffman	National Gypsum Company
R. G. Moore	National Gypsum Company
F. H. Zimmerman	National Gypsum Company
J. D. Cornell	United States Gypsum Company
W. Lewis	United States Gypsum Company
K. E. Mohler	United States Gypsum Company
A. V. Abnee, Jr.	Gypsum Association
F. J. Rogers	Gypsum Association
B. H. Jackson	Legal Counsel

Vice Chairman Hoffman opened the meeting with self introductions, noting that the special meeting of the

committee has been called relative to the proposed MESA mineral fiber standard, and that the purpose of the meeting would be to determine possible action of the Association with respect to the proposed standard.

1. REVIEW OF PROPOSED MESA MINERAL FIBER STANDARD

Mr. Frank H. Zimmerman of the National Gypsum Company, member of the MESA Federal Metal and Nonmetal Mine Safety Advisory Committee, reviewed the proposed MESA mineral fiber standard which had been introduced by MESA at the most recent Advisory Committee meeting. He noted that the proposed mineral fiber standard presented to the Advisory Committee by MESA also included consideration of air quality and ventilation, for arsenic, berryllium and lead, and would affect well over 2000 industrial operations in addition to the gypsum industry. He stated that the proposed mineral fiber standard was nothing more than the current asbestos standard with the word "asbestos" removed, and questioned the need for such a standard in view of the fact that there are no documented health problems, that he was aware of, in any of the industries that would be covered by the proposed standard. Mr. Zimmerman noted that a special task force of the Advisory Committee consisting of two labor, two management and one state government representative, to which he had been assigned, would be meeting sometime in the future for the purposes of studying the proposed standard. Mr. Zimmerman said that he had been notified that the sub-committee would not be meeting prior to the next scheduled Advisory Committee

meeting August 24 through 26, 1976. He noted that it was not known at this time when such meeting is held, whether it would be open to the public. Mr. Zimmerman concluded his review by noting the importance for industry to study the effect of the proposed standard on their operations and to prepare data that could be used with MESA, if it became necessary in the future, to assure defeat in the promulgation of the proposed standard. There followed discussions relative to the intent and wording of the proposed MESA mineral fiber standard, and it was the consensus that on the basis of our current industry operational knowledge within the minerological and employee health areas, that application of the proposed mineral fiber standard in the gypsum industry is unwarranted.

2. REVIEW OF MEMBER COMPANY MINERAL FIBER TESTING EXPERIENCE

Industry representatives commented briefly on their company's programs to test air quality relative to mineral concentrations within their gypsum mining, quarrying, crushing and grinding operations. In general, such member company programs were few and limited in scope, and it was the consensus that there was no current industry data available relative to gypsum mineral fibers. It was noted of the various varieties of gypsum deposits that only the Satin Spar variety was found in a fibrous silky form, and that this variety of gypsum was not common in North American gypsum deposits.

Mr. A. H. Fay, of National Gypsum Company, reported on an asbestos fiber study conducted by the

Asbestos Information Association of North America. He noted that the Weston Environmental Consultants of Westchester, Pennsylvania had conducted the AIA study and he referred to their report entitled: "Technological Feasibility and Economic Impact of OSHA Proposed Revision to the Asbestos Standard," and also "Excerpts from Asbestos Industry Response to OSHA on Proposed Revision to Asbestos Standard 29, CFR part 1910," during his comments. He stated that he was not attempting to correlate our current mineral fiber concerns with that of asbestos, but that the general format and policies followed by the AIA in initiating such studies could be quite beneficial and possibly serve as guidelines for our industry if it was decided that we pursue a similar study course through the Gypsum Association. He noted that the AIA study program covered two major areas; one, relative to actual dust counts taken in industrial operations, and the second, to analyze the medical justification given by Labor for the proposed standard. Mr. Fay noted that the total AIA project had been financed by Association dues along with contributions from asbestos operators outside of the AIA membership.

3. POSSIBLE ASSOCIATION ACTIVITY

Mr. Zimmerman suggested that the Association consider developing a position paper based on current operational knowledge showing industry action to protect workers, and that to the best of our information, there is no carcingenetic [sic] relationship with gypsum. Mr. Fay noted that MESA's definition of a mineral fiber is all important and that our industry should establish a position that any blanket mineral fiber standard is totally out

of order. Mr. Abnee noted that Gypsum Association has some historical data on gypsum which has been used by the membership. Mr. Zimmerman commented that the old data of significant value in the past would be of little value at this time in view of the new scientific testing procedures currently in existence to study fibrous materials. Mr. Zimmerman noted that we should develop a current data bank upon which to base future defensive industry testimony if we are to effectively address ourselves to the proposed MESA mineral fiber standard. It was once again reiterated that our current industry knowledge, both mineralogical and medical, is insufficient to support the consensus that there are no fibrous problems with our mineral, especially as relates to the 10 or 15 per cent impurity content of gypsum deposits.

It was the consensus that an industry study program was essential at this time and that it should address itself to collecting industry dust count data that would give both fibrous and silica analysis data. It was the consensus that such a study program should cover both total dust and total fiber analysis to determine: 1) if we have a fiber problem from gypsum or impurities associated with gypsum ore deposits, and 2) on the basis of the collected data, to determine if any of the resulting data can be associated with Industrial respiratory health problems. In addition, it was the consensus that each member company review their company's historical experience relative to worker-related illness to determine what, if any, historical medical problems might have to be considered. The individual member company historical medical experience, it was suggested, could be collected by the Association through the development of a questionnaire form.

The committee briefly discussed several testing laboratory possibilities, among which were noted the Clayton and Nalsco operations, in addition to a private consulting firm operated by Mr. Jeremiah Lynch.

4. SUMMARY AND COMMITTEE RECOMMENDATIONS

Vice Chairman Hoffman summarized the various discussions which called for a recommended industry program to be coordinated through the Gypsum Association in two phases: first, the employment of an environmental consulting firm to conduct an all mineral analysis for fiber and silica in the mining, quarrying, crushing and grinding operations for our industry throughout the United States. The Association would solicit through a questionnaire form, and compile historical member company medical data that could be related to either fiber or silica exposures as the second phase.

On motion made, seconded and unanimously carried, the Manufacturing and Mining Committee recommends to the Board of Directors that the Gypsum Association interview and hire an environmental consultant firm to conduct an all mineral analysis study covering both fibers and silica, and to collect historical medical data in this same area from the industry through an Association questionnaire form. The following industry personnel were assigned to the Manufacturing & Mining Committee task force to assist the Association in accomplishing the recommended actions of the committee:

E. R. Kiehl	The Celotex Corporation
H. E. Beard	The Flintkote Company
E. J. Cole	Georgia-Pacific Corporation
A. J. Trommershausen	Kaiser Gypsum & Cement Corporation
J. Volk	National Gypsum Company
J. D. Cornell	United States Gypsum Company

Mr. J. D. Cornell was appointed Chairman of this special committee study group which is to work with the Association staff in the development of the necessary industry questionnaire and interview, hire and work with the selected consultant firm until such time that this project is completed. Mr. Cornell noted that he would work closely with the Association staff and call a meeting of this special study group in the near future to interview and select a consultant laboratory.

Mr. Hoffman thanked everyone in attendance for their input and direction. Mr. Rogers briefly outlined a projects schedule whereby the study committee, consultant and budgetary recommendations would be presented at the next Manufacturing & Mining Committee meeting on October 5, 1976, and then subsequently to the Board for their approval at the semiannual meeting, October 6 and 7. Mr. Rogers noted that this projects schedule would be followed unless expedited handling of this study was necessitated by accelerated MESA action other than that anticipated at this time.

There being no further discussions, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

/s/ F.J. Rogers/nc
F.J. Rogers
Secretary

FJR:nc